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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

AGENDA

Board of Directors Meeting

February 2, 2005

Start Time: 9:30 a.m.

LOCATION

San Bernardino Associated Governments

Santa Fe Depot

SANBAG Lobby 1st Floor

1170 W. 3rd Street, San Bernardino, CA

Board of Directors

President

Paul Biane, Supervisor
County of San Bernardino

Mark Nuaimi, Mayor
City of Fontana

Diane Williams, Mayor Pro Tem
City of Rancho Cucamonga

Paul Cook, Council Member
Town of Yucca Valley

Vice-President

Kelly Chastain, Council Member
City of Colton

Bea Cortes, Mayor Pro Tem
City of Grand Terrace

Pat Gilbreath, Council Member
City of Redlands

Dennis Hansberger, Supervisor
County of San Bernardino

Jim Nehmens, Mayor
City of Adelanto

James Lindley, Mayor
City of Hesperia

Grace Vargas, Mayor
City of Rialto

Bill Postmus, Supervisor
County of San Bernardino

Rick Roelle, Council Member
Town of Apple Valley

Larry McCallon, Mayor Pro Tem
City of Highland

Judith Valles, Mayor
City of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Lawrence Dale, Mayor
City of Barstow

Robert Christman, Council Member
City of Loma Linda

Kevin Cole, Council Member
City of Twentynine Palms

Gary Ovitt, Supervisor
County of San Bernardino

Darrell Mulvihill, Mayor
City of Big Bear Lake

Paul Eaton, Mayor
City of Montclair

John Pomierski, Mayor
City of Upland

Anne Mayer, Caltrans
Ex-Officio Member

Dennis Yates, Mayor
City of Chino

Rebecca Valentine, Council Member
City of Needles

Mike Rothschild, Mayor
City of Victorville

Norman R. King
Executive Director

Gwenn Norton-Perry, Council Member
City of Chino Hills

Alan Wapner, Mayor Pro Tem
City of Ontario

Richard Riddell, Mayor
City of Yucaipa

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

AGENDA

**February 2, 2005
9:30 a.m.**

Location:

**San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Call to Order - 9:30 a.m.
(Meeting chaired by Supervisor Paul Biane)

- I. Attendance
- II. Announcements
Vacancies on Boards and Committees
- III. Agenda Notices/Modifications – Vicki Watson

Notes/Actions:

1. **Possible Conflict of Interest Issues for the SANBAG Board Meeting of February 2, 2005.** Pg. 10

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by Board member request. Items pulled from the consent calendar will be brought up under Agenda Item 20.

Administrative Matters

2. **Board of Directors Attendance Roster** Pg. 11

3. **Procurement Report for December 2004** Pg. 15

Receive Monthly Procurement Report. **Susan Van Note**

This item was unanimously received by the Administrative Committee on January 12, 2005.

4. **SANBAG Retirement Policy** Pg. 17

Approve revision to SANBAG Policy 10122-2, Retirement, to add provisions for cash payments when requirements for retirement contributions are fulfilled. **Norm King**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on January 12, 2005.

Program Support/Council of Govts.

5. **Follow-up report on Federal FY05 Omnibus Appropriations Bill** Pg. 19

Receive and file as an information item.

Kris Leathers Murray

This item was reviewed by the Administrative Committee on January 12, 2005.

Consent Calendar Continued....

Subregional Transportation Planning & Programming

6. US-395 Interim Project Contribution Agreements

Pg. 28

1. Approve Contract No. 05-019 with Caltrans for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$600,000, as specified in the financial impact section;
2. Approve receivable Contract No. 05-030 with the County of San Bernardino for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$56,250, as specified in the financial impact section;
3. Approve receivable Contract No. 05-031 with the City of Adelanto for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$185,156, as specified in the financial impact section;
4. Approve receivable Contract No. 05-032 with the City of Hesperia for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$93,750, as specified in the financial impact section;
5. Approve receivable Contract No. 05-033 with the City of Victorville for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$264,844, as specified in the financial impact section;
6. Approve an amendment to the 2004/2005 SANBAG budget to increase Task No. 0594100 by \$600,000 in local funds, Cost Code 5011, Contributions to other Agencies. **Deborah Barmack**

This item and agreements have been reviewed by SANBAG Counsel. The Mountain/Desert Committee has also reviewed and unanimously recommended this item for approval on January 21, 2005.

Consent Calendar Continued....**Project Development**

7. **Amendment No. 1 to Contract No. 02-019 with LSA for On-Call Environmental Services for SR 210 Segments 10 & 11** Pg. 58
Approve Amendment No. 1 to Contract No. 02-019 with LSA for On-Call Environmental Services for SR 210 Segments 10 & 11 for \$177,500 for a total contract amount of \$527,500 as detailed in the Financial Impact Section. **Darren Kettle**
This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 13, 2005.
8. **Amendment No. 3 for time extension to Contract No. 02-062 with Hanson & Wilson for on-call railroad consulting** Pg. 68
Approve Amendment No. 3 to Contract No. 02-062 extending the period of performance with Hanson & Wilson for on-call railroad consulting for time extension to contract. **Darren Kettle**
This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 13, 2005.
9. **Amendment No. 1 to Contract No. 04-049 to provide Construction Zone Enhanced Enforcement (COZEEP) services for I-10 Truck Climbing Lane (TCL)** Pg. 73
Approve Amendment No. 1 to Contract No. 04-049 for COZEEP services with California Highway Patrol (CHP) for I-10 Truck Climbing Lane extending the agreement term to June 30, 2005. **Darren Kettle**
This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 13, 2005.
10. **Interstate 215 Right of Way Acquisition – Request of Board of Supervisors to Hear and Adopt Resolutions of Necessity** Pg. 76
Request San Bernardino County Board of Supervisors to Hear and Adopt Resolutions of Necessity presented by the California Department of Transportation for Right of Way acquisition for the Interstate 215 Widening project through the City of San Bernardino. **Darren Kettle**
This item was reviewed and unanimously recommended by the Major Projects Committee on January 13, 2005.

Consent Calendar Continued....

Project Development (Cont.)

- 11. Approve Amendment 1 to Cooperative Agreement No 04-060 with Caltrans for Interstate 215 Right of Way Capital funding** Pg. 78

Approve Amendment 1 to Cooperative Agreement No. 04-060 with Caltrans for Interstate 215 Right of Way Capital funding. The amendment amount is \$4.2 million for a total contract amount of \$8.2 million as detailed in the Financial Impact Section.
Darren Kettle

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 13, 2005.

Transportation Programs & Fund Administration

- 12. Local Transportation Fund (LTF) Fiscal Year 2004/2005 Revised Apportionment and Fiscal Year 2005/2006 Apportionment Estimate** Pg. 83

1. Approve an increase of \$5,900,000 to the Fiscal Year 2004/2005 LTF Apportionment of \$61,190,000 for a new total apportionment of \$67,090,000.

2. Approve an increase in the current year allocation of planning funds to SANBAG by \$177,000 for a new total of \$2,012,700.

3. Approve the continuing reservation of \$6,000,000 from the unaudited Fiscal Year 2003/2004 LTF unrestricted balance through Fiscal Years 2004/2005 and 2005/2006.

4. Approve an LTF estimated apportionment for Fiscal Year 2005/2006 in the amount of \$69,300,000. **Mike Bair**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on January 12, 2005 and the Mountain/Desert Committee on January 21, 2005.

Consent Calendar Continued....

Transportation Programs & Fund Administration (Cont.)

13. **State Transit Assistance Fund (STAF) Allocations for Fiscal Year 2004 – 2005 to the Mountain Area Regional Transit Authority (MARTA) and the San Bernardino Associated Governments (SANBAG)** Pg. 88

1. Adopt Resolution 05-013 authorizing STAF allocation instruction #05-07-MRT-B to MARTA for capital assistance in the amount of \$21,000.

2. Adopt Resolution 05-014 authorizing STAF allocation instruction #05-08-SAN-B to SANBAG for capital assistance in the amount of \$258,000. **Mike Bair**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on January 12, 2005.

14. **Omnitrans Short Range Transit Plan (SRTP) Amendment and State Transit Assistance Fund (STAF) Allocation** Pg. 95

1. Approve amendment to Omnitrans' Fiscal Year 2004-2009 SRTP to reflect the increase in project costs for the East Valley Restructuring Project, Chino Transit Center and lease of six service/relief vehicles.

2. Adopt Resolution 05-011 rescinding a portion of the STAF Allocation number 95-08-OMN-B in the amount of \$838.00; 97-05-OMN-B in the amount of \$264,576; a portion Allocation number 99-01-OMN-B in the amount of \$1,210; a portion Allocation number 01-05-OMN-B in the amount of \$255,230; a portion of Allocation number 02-05-OMN-B in the amount of \$73,447; a portion Allocation number 03-08-OMN-B in the amount of \$124,801; a portion Allocation number 03-10-OMN-B in the amount of \$35,012 and a portion Allocation number 04-05-OMN-B in the amount of \$26,599 for a total recession of \$781,713.

3. Adopt Resolution 05-012 authorizing STAF Allocation number 05-09-OMN-B in the amount of \$746,701 for the capital projects identified in action item number one. **Mike Bair**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on January 12, 2005.

Consent Calendar Continued....**Transit/Commuter Rail**

15. **SANBAG Appointment(s) to the Southern California Regional Rail Authority** Pg. 102

The Commuter Rail Committee recommends the appointment of Mayor Judith Valles as delegate and Supervisor Paul Biane as alternate to the Southern California Regional Rail Authority (SCRRA). **Mike Bair**

The Commuter Rail Committee reviewed this item and unanimously recommended these appointments on January 12, 2005.

16. **Amendment No. 3 to SANBAG Contract 93-049 with the Redevelopment Agency of the City of Rialto** Pg. 104

Approve Amendment No. 3 to Contract 93-049 with the Redevelopment Agency of the City of Rialto for funding the preparation of a Project Report and Environmental Document for the expansion of the Rialto Metrolink Station parking in the amount of \$150,000 as identified in the Financial Impact Section.

Mike Bair

This item was reviewed and unanimously recommended for approval by the Commuter Rail Committee on January 12, 2005.

17. **Exercise First Option of Contract 04-001 with Schiermeyer Consulting Services** Pg. 113

Approve the exercise of the first contract extension option (Contract 04-001-1) with Schiermeyer Consulting Services for passenger rail planning services in the amount of \$190,295 as specified in the Financial Impact Section. **Mike Bair**

This item was reviewed and unanimously recommended for approval by the Commuter Rail Committee on January 12, 2005.

18. **Removal of Rail from One-Mile Segment of the Redlands Subdivision** Pg. 122

Approve Amendment No. 1 to the Right of Entry Permit No. 05-022 for the removal of track, ties, and road crossing protection devices between MP 10.12 and 11.4 of the Redlands Subdivision with A & K Railroad Materials, Inc., extending the time of performance to March 31, 2005. There is no financial impact as identified in the Financial Impact Section. **Mike Bair**

This item was reviewed and unanimously recommended for approval by the Commuter Rail Committee on January 12, 2005.

DISCUSSION ITEMS

19. Reports from SANBAG Staff on On-Going and Emerging Issues Pg. 126

Receive reports on current issues and provide policy guidance, if required. **Norm King**

This item has not been reviewed by SANBAG policy committees.

Other Matters

20. Consent Calendar Items Pulled for Discussion

Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

Comments from Board Members

Brief Comments by SANBAG Board Members

Public Comment

Brief Comments by the General Public

Additional Information

Agency Reports/Committee Memberships

Commuter Rail Report Pg. 128

Council Member Patricia Gilbreath

South Coast Air Quality Management Report Pg. 131

Mayor Dennis Yates

SCAG Committees Pg. 133

SCAG Regional Council

SCAG Standing Committees

Administration Committee

Implementation Committee

Planning Committee

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees Pg. 135

Acronym List Pg. 137

ADJOURNMENT

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call, (909) 884-8276.

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the San Bernardino Associated Governments (SANBAG) Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the SANBAG Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject with SANBAG's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in Rule #4 still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for SANBAG meetings. Your cooperation is appreciated!*

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM 1

Date: February 2, 2005

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the SANBAG Board may not participate in the any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Principals & Agents	Subcontractors
7	02-019-01	LSA Associates, Inc. <i>Rob McCann</i>	AEI-CASC Engineering Higman/Doehel, Inc
8	02-062-03	Hanson Wilson Incorporated <i>William F. Brewster, VP</i>	None
17	04-001-1	Schiermeyer Consulting Services <i>Carl Schiermeyer</i>	None
18	05-022-1	A & K Railroad Materials, Inc. <i>Jim Okroy</i>	None

Financial Impact: This item has no direct impact on the SANBAG budget.

Reviewed By: This item is prepared monthly for review by SANBAG Board and Committee members.

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Approved
San Bernardino Associated Governments
Board of Directors

Date: February 2, 2005

Moved: Second:

In Favor: Opposed:

Witnessed: _____

BOARD OF DIRECTORS ATTENDANCE ROSTER - 2005

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Gary Ovitt	X											
Bill Postmus	X											
Paul Biane	X											
Dennis Hansberger	X											
Josie Gonzales	X											
Jim Nehmens	X											
Rick Roelle	X											
Lawrence E. Dale	X											
Darrell Mulvihill												
Dennis Yates	X											
Gwenn Norton-Perry	X											
Kelly Chastain	X											
Mark Nuaimi	X											
Bea Cortes	X											
James Lindley	X											
Larry McCallon	X											

X - indicates member attended meeting. * - indicates alternate member attended meeting. Crossed out box indicates member is not a Board Member. ** - indicates new member

BOARD OF DIRECTORS ATTENDANCE ROSTER – 2005

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Robert Christman	X											
Paul Eaton	X											
Rebecca Valentine	X											
Diane Williams	X											
Pat Gilbreath	X											
Grace Vargas	X											
Judith Valles	X											
John Pomierski	X											
Mike Rothschild	X											
Dick Riddell	X											
Paul Cook	X											
Anne Mayer	X											
Ex-Official Member												

X - indicates member attended meeting.

* - indicates alternate member attended meeting.

Crossed out box indicates member is not a Board Member.

** - indicates new member

BOARD OF DIRECTORS ATTENDANCE ROSTER - 2004

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Patti Aguiar	X	X	X	X	X	X	X				X	X
Bill Postmus	X	X		X	X	X		X		X		X
Paul Biane	X	X	X	X		X	X	X		X		X
Dennis Hansberger	X	X		X	X	X	X		X		X	X
Clifford Young	X		X	X	X	X		X	X	X	X	X
Jerry Eaves												
Lawrence E. Dale	X	X	X	X	X	X	X	X	X	X	X	X
Neal Hertzmann	X	X	X	X	X	X	X	X		X	X	X
Eunice Ulloa	X	X	X	X	X	X	X	X	X	X	X	X
Gwenn Norton-Perry	X	X	*			X			X		X	X
Kelly Chastain	X	X	X	X	X	X	X	X	X	X	X	X
Mark Nuaimi	X	X	X	X	X	X	X	X		X	X	X
Bea Cortes	X	X	X	X	X	X	X	X	X	X	X	X
James Lindley	X	X	X	X	X	X	X	X	X	X	X	X
Larry McCallon	X	X	X	X	X	X	X	X	X	*	X	X
Brad Sundquist	X											
Edward (Ted) Burgnon		X	X	X	X	X	X	X	X	X		
Robert Christman	X	X	X	X	X	X	X		X	X	X	X

X - indicates member attended meeting. * - indicates alternate member attended meeting. Crossed out box indicates member is not a Board Member. ** - indicates new member

BOARD OF DIRECTORS ATTENDANCE ROSTER – 2004

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Paul Eaton	X	X	X	X	X	X	X	X	X	X	X	
Rebecca Valentine	X	X	X	X	X	X	X		X	X	X	X
Gary Oviatt	X	X	X	X		X	X		X			X
Bill Alexander	X	X	X	X	X	X	X	X	X	X	X	X
Pat Gilbreath	X	X	X	X	X	X		X	X	X		X
Kurt Wilson	X	X	X	X	X	X	X	X	X	X		
Judith Valles	*	X	*	X	X		X	*	X	X	X	X
Jim Bagley	X	X				X	X	X	X	X	X	X
John Pomierski	X	X			X			X	X			X
Mike Rothschild	X	X	X	X	X	X	X	X	X	X	X	X
Dick Riddell	X	X	X	X	X	X	*	X	X	X	X	X
Paul Cook	X	X	X		X		X	X	X	X	X	X
Jim Nehmens	X	X	X		X		X	X	X	X	X	X
Leonard Paulitz Ex-Officio Member/Alternate	X	X	X	X	X	X	X	X	X	X	X	X
Anne Mayer Ex-Official Member	X	X	X	*	X	X	*	X	X	X	X	X

X - indicates member attended meeting.

* - indicates alternate member attended meeting.

Crossed out box indicates member is not a Board Member.

** - indicates new member

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 3

Date: February 5, 2005

Subject: Procurement Report for December 2004

Recommendation:* Receive Monthly Procurement Report.

Background: The Board of Directors approved the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997. The Executive Director, or his designee, is authorized to approve Purchase Orders up to an amount of \$25,000. All procurements for supplies and services approved by the Executive Director, or his designee, in excess of \$5,000 shall be routinely reported to the Administrative Committee and to the Board of Directors.

Attached are the purchase orders in excess of \$5,000 to be reported to the Administrative Committee for the month of December 2004.

Financial Impact: This item imposes no impact on SANBAG's FY 2004/05 Budget. Presentation of the monthly procurement report will demonstrate compliance with the Contracting and Procurement Policy (Policy No. 11000).

Reviewed By: This item unanimously received by the Administrative Committee on January 12, 2005.

Responsible Staff: Susan Van Note, Chief Financial Officer

BRD0502a-svn.doc
Indirect

Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

PURCHASE ORDERS ISSUED FOR DECEMBER 2004

P.O. #	Vendor	Purpose	Sole Source Y/N	Amount
0568	Montague DeRose & Assoc.	Financial Advisory Services	Y	\$ 25,000
0571	I. E. Economic Partnership	Annual Investment	N	5,200
0574	TH Enterprises, Inc.	RCMS Software Service Agreement	N	6,480
0575	McGladrey & Pullen	Program, Planning & Monitoring Audit	N	9,000
		TOTAL PURCHASE ORDERS ISSUED		\$ 45,680

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 4

Date: February 2, 2005

Subject: SANBAG Retirement Policy

Recommendation:* Approve revision to SANBAG Policy 10122-2, Retirement, to add provisions for cash payments when requirements for retirement contributions are fulfilled.

Background: Under existing policy, SANBAG makes contributions to the San Bernardino County Employees' Retirement Association (SBCERA) on behalf of SANBAG employees. Upon completion of thirty (30) years of service credit in SBCERA, employees are no longer required to make contributions. This revision to the SANBAG retirement policy would provide that after 30 years of service and completion of retirement system contributions, employees shall be paid in cash the amount that SANBAG would otherwise pay to SBCERA if retirement system contributions were still required.

This revision is modeled after provisions which have been in existence at the County of San Bernardino for several years. The County of San Bernardino administers the payroll deductions for SANBAG employees for retirement contributions and benefit offerings selected by SANBAG employees.

The SANBAG Board has previously approved the recommended provision for the Executive Director in his employment contract. Two SANBAG employees would

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Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

be affected in 2005 by adoption of this policy. Thereafter, it would be five years before employees in the existing workforce would meet the qualifications.

Financial Impact: This action would maintain the same financial commitment to all SANBAG employees as established in existing policies. The total cost of this revision in FY 2004/2005 would be approximately \$1,860 and approximately \$7,122 in FY 2005/2006. Approval of this item would not require an amendment to the adopted 2004/2005 SANBAG budget.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Administrative Committee on January 12, 2005.

Responsible Staff: Norman R. King
Executive Director

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 5

Date: February 2, 2005
Subject: Follow-up report on Federal FY05 Omnibus Appropriations Bill
Recommendation:* Receive and file as an information item

Background: Per discussion at the December 8, 2004 Administrative Committee meeting, the following information and attachment provides requested information pertaining to SANBAG's FY05 transportation appropriations in comparison to regional and statewide earmarks. The FY05 Omnibus Appropriations Bill was signed by President Bush on December 8, 2004, and is now Public Law 108-447. Attached is a statewide report prepared by Caltrans for use as a cross-reference by federal program, project title, and earmark amount.

The following information is organized by the federal transportation program for review by the Administrative Committee. The summary breaks out by program, the amount received by California and the total earmark and statewide percentage received for projects within the County of San Bernardino.

FAA

Total program - \$13.6 billion
California earmarks - \$11 million
San Bernardino County Earmarks: San Bernardino International Runway
Improvements - \$4 million
Percentage of statewide share - 36%

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Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

FHWA

Total program - \$34.7 billion
California Earmarks - \$96,280,000

FHWA earmarks summarized by program below:

Bridge Discretionary

Total California Earmarks - \$5.5 million
San Bernardino County Earmarks:
I-15 Baseline Interchange in Rancho Cucamonga - \$500,000
(One of two earmarks statewide for the program)

Federal Lands

Total California Earmark - \$8,360,000
San Bernardino County Earmarks-\$1.5 million
Needles Highway - \$500,000
Summit Valley Road - \$1 million
Percentage of statewide share - 18%

Interstate Maintenance Discretionary

Total California Earmark - \$6,325,000
San Bernardino County Earmarks-\$2,625,000
\$125K - I-10 Riverside Avenue Interchange
\$2M - I-215 Barton Road Interchange Improvements
\$500K - I-10 Cypress Avenue
Percentage of statewide share - 42%

Surface Transportation

Total California Earmark - \$55,460,000
San Bernardino County Earmarks-\$8 million
I-15 Falchion Road/SR18 Interchange - \$3 million
I-10 Tippecanoe Interchange - \$5million
Percentage of statewide share - 14%

FTA

California Earmarks - \$350,325,203
San Bernardino County Earmarks: El Garces Intermodal Train Station-Needles –
\$1 million

Job Access and Reverse Commute Grants

Platform Additions and Extensions on San Bernardino Line - \$2 million (Metrolink lead agency).

The percentage of earmarks by program received by projects within the County of San Bernardino in comparison to the total state share is quite high - especially in light of the reduction in domestic spending urged by Congressional leadership and the White House this year. The population of San Bernardino County is 5 percent (2000 census data) of the total state population. In most programs, the County received well above that figure as a percentage of programmatic earmarks.

Financial Impact: The report has no impact on SANBAG's budget.

Reviewed By: This item was reviewed by the Administrative Committee on January 12, 2005.

Responsible Staff: Kristine Leathers Murray
Director Intergovernmental and Legislative Affairs



FY 2005 Appropriations:

On December 8, 2004 President Bush signed HR 4818, which is now Public Law 108-447. This omnibus appropriations bill provides approximately \$57.2 billion for aviation, highways, transit and AMTRAK. This is approximately \$1.8 billion more than what was provided last year. Key points of the bill are as follows:

Highway:

- Deducts approximately 4.1 percent of the core program apportionments to allocate for discretionary purposes. This represents approximately \$1.4 billion, of which, \$1.2 billion is earmarked for Surface Transportation Projects. California's net return from this earmark category is \$54.5 million or about \$4.6%. The state's usual return for all programs tends to be in the neighborhood of 8.5%.
- Provides \$741 million to fund Emergency Relief backlogs funded through rescissions.
- Contains an across the board .83% reduction in spending authority (this applies to all programs covered under the bill)

Transit

- Includes language prohibiting transit grantees from obligating funds if the grantee is involved directly or indirectly in any activity including displaying or permitting to be displayed advertisements promoting the legalization or medical use of a controlled substance.

The following is a brief summary of California issues covered in the bill and a list of earmarks for the Aviation, Highway, Transit and AMTRAK programs.

Program	Conference as Passed
FAA	
Total Program	\$13.6 billion
California Highlights	<ul style="list-style-type: none">- Continues Essential Air Service Program (affects Crescent City and Merced)- Provides funding for commercial space transportation (could affect Mojave Airport)- Includes language expressing opposition to pursuit of active military airports in seeking an alternative for Lindbergh Field in San Diego and prohibits the expenditure of funds for studies affecting them.
Earmarks	<p>California Earmarks \$11,000,000</p> <p>Instrument Landing System Establishment</p> <ul style="list-style-type: none">- \$2,500,000 - San Diego Intl. ILS Runway 9 <p>High Priority Projects</p> <ul style="list-style-type: none">- \$1,000,000 - Castle Airport, Upgrade for Part 139 Cert., tower into compliance and various improvements.- \$1,000,000 - Nut Tree Airport, Improve airport access and parking aprons, seal hanger taxi landings- \$1,500,000 - Sacramento Intl. Various Improvements- \$4,000,000 - San Bernardino Intl. Runway Improvements- \$1,000,000 - San Francisco Intl. Perimeter fence with electronic detection



Program	Conference as Passed
FHWA	
Program Total	\$34.700,000 (Of which approximately \$33 billion is available to states through formula distribution). California OA not available at this time.
California Highlights	Changes a 2001 Earmark for SR 180 {Section 114 (e)}
Earmarks	<p>California Earmarks \$96,280,000</p> <p>Environmental Planning (\$750,000)</p> <ul style="list-style-type: none"> - \$ 500,000 – Central California Ozone Study - \$ 250,000 – Sacramento Blueprint <p>ITS Deployment (\$7,760,000)</p> <ul style="list-style-type: none"> - \$2,000,000 – Alameda Corridor East Project - \$1,500,000 – City of Elk Grove ITS - \$ 400,000 – ITS Deployment Project, Inglewood - \$1,000,000 – LA Union Station Communication System - \$ 750,000 – Oakland Transportation Operations Center - \$ 750,000 – San Diego Joint Transportation Operations Center - \$ 110,000 – Signal Preemption Upgrades, Culver City - \$ 500,000 – Fresno Traffic Operations Center - \$ 750,000 – Ventura County ITS <p>Ferry Boats and Ferry Terminal Facilities</p> <ul style="list-style-type: none"> - \$1,000,000 – Ferry Boat for San Francisco Water Transit Authority <p>National Corridor Planning and Border Development (\$9,500,000)</p> <ul style="list-style-type: none"> - \$5,000,000 – Cross Valley Connector - \$ 500,000 – Improvements to Anaheim Street from 710 Freeway - \$1,000,000 – Interstate 5 Riverfront Reconnector - \$1,500,000 – Reyes Adobe Road Interchange Project - \$ 500,000 – Street Improvements, Lawndale - \$1,000,000 – US 101 Offramp Extension, at Van Nuys Blvd. <p>Transportation and Community System Preservation (\$1,500,000)</p> <ul style="list-style-type: none"> - \$ 250,000 – Pedestrian Bridge, Shandon - \$ 250,000 – Pedestrian Safety Improvements, San Miguel - \$1,000,000 – SR 52 East from SR 125 to SR 67 <p>Bridge Discretionary (\$5,500,000)</p> <ul style="list-style-type: none"> - \$5,000,000 – Golden Gate Bridge Seismic Retrofit ✓ - \$ 500,000 – Rancho Cucamonga I-15 Baseline Road <p>Federal Lands Program (\$8,360,000)</p> <ul style="list-style-type: none"> - \$1,000,000 – Beale AFB Access Road Improvements - \$1,000,000 – Doyle Drive Replacement - \$1,000,000 – Golden Gate National Park Conservancy - \$1,278,000 – Marin Parklands/Muir Woods Visitor Access ✓ - \$ 500,000 – Needles Highway/NV Improvements - \$1,000,000 – Port of Stockton, Dagget Road - \$1,582,000 – South Palm Canyon Dr. Phase 2 ✓ - \$1,000,000 – Summit Valley Road, San Bernardino County



	Interstate Maintenance Discretionary (\$6,450,000) \$ 6,325,000
\$125,000 ✓	\$1,250,000 - I-10 Riverside Ave. Interchange
✓	\$2,000,000 - I-215/Barton Road Interchange Improvements
-	\$ 500,000 - I-5 South HOV Lane Phase 1
✓	\$ 500,000 - I-10/Cypress Ave. Overcrossing
-	\$1,200,000 - I-5 and I-8 Connector
-	\$1,000,000 - Laval Road/I-5 Interchange
	Surface Transportation Projects (\$55,460,000)
-	\$ 500,000 - Almaden Express Pedestrian Overcrossing, San Jose
-	\$ 200,000 - Angels Flight, Los Angeles
-	\$1,000,000 - Avery Parkway/I-5 Interchange
-	\$ 750,000 - Bristol Street Multi-Modal Corridor
-	\$2,000,000 - CETAP Corridor, Riverside and Orange Counties
-	\$1,000,000 - City of Riverside Grade Separations
-	\$ 500,000 - Covina Station Undercrossing
-	\$ 500,000 - Friant Corridor Improvements
-	\$ 150,000 - Girl Scouts Golden Valley Council Bridge Project
-	\$ 350,000 - Gladding Road Overcrossing
-	\$ 700,000 - Grade Crossing Improvements at Ramona Blvd.
-	\$1,000,000 - Grand Avenue Rehabilitation Project
-	\$1,250,000 - Healdsburg Pedestrian and Bicycle Path
-	\$1,000,000 - Highway 101 Corridor Widening Project
✓	\$3,000,000 - I-15 (Falcon Road)/SR 18 Interchange
-	\$1,000,000 - I-405 Widening
-	\$ 500,000 - I-405 Widening
-	\$1,500,000 - I-5 Sorrento Valley Road and Genessee Avenue Interchange
-	\$1,250,000 - I-710 Corridor/Gerald Desmond Bridge Gateway Program
✓	\$5,000,000 - I-10/Tippicanoe Interchange
-	\$ 500,000 - I-5/SR78 Interchange Improvement
-	\$1,000,000 - K Street Offramp, Tulare
-	\$ 600,000 - Lincoln Blvd. Improvement Project
-	\$1,000,000 - Lincoln Bypass
-	\$ 400,000 - Monterey Bay Sanctuary Scenic Trail
-	\$3,000,000 - Noble Creek Bridge, Beaumont
-	\$2,000,000 - Otay Mesa/SR 905 Improvements
-	\$1,000,000 - Pacoima Wash Mountain Bikeway
-	\$1,000,000 - Port of Oakland California Inter-Regional Intermodal System
-	\$ 360,000 - Project Design Improvements to Refugio Road
-	\$1,500,000 - R Street Development Project
-	\$1,500,000 - Reconstruction of the I-80 and Sierra College Blvd. Interchange
-	\$ 400,000 - SR 132 Connection Project Study Report
-	\$1,000,000 - SR 152 Safety Improvements, Santa Clara County
-	\$1,250,000 - SR 262/Warren Ave -I-880 Grade Separation, Phase 1B
-	\$1,000,000 - SCAG
-	\$ 200,000 - Second Street Extension, Los Angeles
-	\$1,000,000 - Sheldon Road/SR 99 Interchange Project
-	\$3,000,000 - SR 56/I-5 Northbound Widening, San Diego
-	\$ 500,000 - SR 67 Maplevue to Dye Road SR 52 E
-	\$1,250,000 - SR 71/Mission Blvd Congestion Reduction
-	\$1,000,000 - SR 76
-	\$1,000,000 - SR 905
-	\$ 500,000 - Street Improvements, Gardena



	Surface Transportation Projects (cont'd) <ul style="list-style-type: none"> - \$1,250,000 – Streetscape Improvements in Cherryland/Ashland - \$ 800,000 – US 101 Improvement Program - \$ 500,000 – UP/Sunset Avenue Grade Separation, Banning - \$ 500,000 – Vasco Road Safety Improvements - \$ 500,000 – Ventura County Farm Crossings - \$1,000,000 – Van Ness Avenue Project - \$1,000,000 – Western Placerville Interchanges - \$ 800,000 – Ygnacio Valley Road Pedestrian Bike Improvements
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FRA/ AMTRAK	Conference as Passed
Program Total	\$1.217 billion AMTRAK
California Highlights	None
Earmarks	- \$1,000,000 -- California Nevada Interstate MagLev Project

FTA	Conference as Passed
Program Total	\$7.644 billion California Formula Grants not available at this time.
California Highlights	<ul style="list-style-type: none"> - Exempts the following 2002 Appropriations Act Bus and Bus Facilities projects from reallocation: <ul style="list-style-type: none"> + City of Monrovia CNG Fueling Facility + Costa Mesa, CNG Facility + County of Amador Bus Replacement + County of Calaveras Bus Replacement + Livermore/Amador Valley Buses & Facility + North County Transit District + San Bernardino CNG/LNG buses + Sierra Madre Villa & Chinatown Intermodal Transportation Centers/LA MTA Bus and Bus Facilities - Makes FFY 2004 funds for the Alameda Point Areil Transit Project available for the Fairfield/Vacaville Intermodal Transit Station - Extends SF MUNI local contribution calculation methodology
Earmarks	California Earmarks \$350,325,203 Transit Planning and Research <ul style="list-style-type: none"> - \$2,000,000 – CALSTART/WestStart Advanced Transit Technology Bus and Bus Facilities (\$37,000) <ul style="list-style-type: none"> - \$ 300,000 – Anaheim Resort Transit - \$ 120,000 – Bellflower Dial-a-Ride - \$ 500,000 – Calabasas Transit - \$1,000,000 – Catalina Transit Terminal, Redondo Beach - \$ 850,000 – Cerritos Clean Air Buses - \$ 200,000 – Claremont Intermodal Transit Village Project - \$ 400,000 – Collegian Avenue Busway - \$ 100,000 – Downtown Transit Center ITS - \$ 500,000 – Ed Roberts Campus, City of Berkeley - \$1,000,000 – El Garces Intermodal Transit Station, Needles - \$1,000,000 – Elk Grove Park and Ride Facilities - \$ 500,000 – Fairfield/Vacaville Intermodal Transit Station - \$1,000,000 – Fresno Area Express Bus Program



Bus and Bus Facilities (cont'd)

- \$ 300,000 – Golden Empire Transit Traffic Signal Priority
- \$ 350,000 – Hemet Transit Center, Bus Facility
- \$ 1,700,000 – I-15 Managed Lanes/Bus Rapid Transit, San Diego
- \$ 500,000 – LAVTA Buses and Bus Facilities
- \$ 300,000 – LAVTA Satellite Maintenance, Operations, and Administrative Facility
- \$ 500,000 – Long Beach Transit Bus Purchase
- \$ 2,000,000 – Los Angeles County MTA Bus Program
- \$ 500,000 – Los Angeles Trade Tech Intermodal Links with Bus and Metro
- \$ 500,000 – Los Angeles Valley College Bus Station Extension
- \$ 1,000,000 – Mammoth Lakes Regional Transit Operations Facilities
- \$ 750,000 – Metro Red Line Wilshire Vermont Station Upgrade
- \$ 1,000,000 – Modesto Bus Facility
- \$ 1,000,000 – Monterey Salinas Transit Buses
- \$ 1,000,000 – Municipal Transit Operators Coalition
- \$ 500,000 – Napa Transit Center Construction
- \$ 1,500,000 – Pacific Station Multimodal Multiuse Facility
- \$ 30,000 – Palm Springs Bus Station Relocation
- \$ 750,000 – Palo Alto Intermodal Transit Center
- \$ 125,000 – Riverbank Vehicle Garage Renovation
- \$ 125,000 – Riverside Transit Authority
- \$ 650,000 – Roseville Multitransit Center
- \$ 500,000 – Sacramento Bus Replacement/Facility Expansion
- \$ 750,000 – SamTrans Zero Emission Bus Project
- \$ 4,000,000 – San Francisco Muni Buses and Bus Facilities
- \$ 400,000 – San Luis Rey Transit Center
- \$ 750,000 – Santa Clara VTA Bus Signal Priority Project
- \$ 500,000 – SCAT CNG Fueling Station
- \$ 1,000,000 – Sierra Madre Villa Gold Line Light Rail Station
- \$ 650,000 – Solana Beach Intermodal Facility
- \$ 300,000 – Sonoma County CNG Buses
- \$ 250,000 – South Gate Clean Air Buses
- \$ 800,000 – Spring Valley Multi-Modal Center
- \$ 500,000 – Sunline Transit Agency CNG Buses
- \$ 50,000 – Temecula Park and Ride Facility
- \$ 400,000 – Temecula Transit Center
- \$ 750,000 – Transit First Implementation
- \$ 200,000 – Transit Oriented Neighborhood Program
- \$ 500,000 – Union City Intermodal Station, Phase 1
- \$ 1,250,000 – Vallejo Baylink Intermodal Center
- \$ 250,000 – Visalia Bus Operations Center
- \$ 250,000 – Visalia Bus Replacement
- \$ 400,000 – Yosemite Area Regional Transportation System

New Starts (\$311,315,103)

- \$ 60,000,000 – LA Eastside
- \$ 675,103 – LA MOS3 North Hollywood
- \$ 500,000 – LA Gold Line Foothill Extension
- \$ 1,000,000 – San Diego Mid-Coast Light Rail Extension
- \$ 81,640,000 – San Diego Mission Valley East
- \$ 55,000,000 – San Diego Oceanside-Escondido Rail Corridor
- \$100,000,000 – San Francisco BART to San Francisco Intl. Airport
- \$ 10,000,000 – San Francisco MUNI Third Street Light Rail Project



	New Starts (cont'd)
	- \$2,500,000 – Santa Clara County, Silicon Valley Rapid Transit Corridor
	Job Access and Reverse Commute Grants (\$10,100,000)
	- \$5,000,000 – AC Transit Calworks Job Center (Bay Area)
	- \$ 600,000 – Guaranteed Ride Program
	- \$ 500,000 – Job Access Transit, Hayward
	✓ \$2,000,000 – Platform Additions and Extensions on San Bernardino Line
	- \$2,000,000 – Sacramento Region JARC

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 6

Date: February 2, 2005

Subject: US-395 Interim Project Contribution Agreements

- Recommendation:***
1. Approve Contract No. 05-019 with Caltrans for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$600,000, as specified in the financial impact section;
 2. Approve receivable Contract No. 05-030 with the County of San Bernardino for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$56,250, as specified in the financial impact section;
 3. Approve receivable Contract No. 05-031 with the City of Adelanto for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$185,156, as specified in the financial impact section;
 4. Approve receivable Contract No. 05-032 with the City of Hesperia for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$93,750, as specified in the financial impact section;
 5. Approve receivable Contract No. 05-033 with the City of Victorville for contributions for the Project Approval and Environmental Document (PA&ED) Phase of the US-395 Interim Project in the amount of \$264,844, as specified in the financial impact section;

Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

6. Approve an amendment to the 2004/2005 SANBAG budget to increase Task No. 0594100 by \$600,000 in local funds, Cost Code 5011, Contributions to other Agencies.

Background:

Contract No. 05-019 with Caltrans provides for funding of the PA&ED phase of interim improvements to US-395. Under this agreement, SANBAG will allocate \$1.4m in federal Surface Transportation Funds (STP) to the project and will contribute \$600,000 in local match funds. The SANBAG Board approved the STP allocation cited in the agreement on April 7, 2004.

The proposed agreements with the County of San Bernardino and the Cities of Adelanto, Hesperia, and Victorville, provide for each jurisdiction to pay SANBAG local funds totaling \$600,000 as their contribution to this project. These contributions will provide local matching funds, which will be paid to Caltrans. The agreements provide for PA&ED funding only and do not bind the local jurisdictions into future contributions. Construction funding for the project will be identified through funding allocation processes by SANBAG, Caltrans, and the California Transportation Commission (CTC).

In an effort to address short-term improvements on US-395, Caltrans District 8 is working on the Project Study Report (PSR) for the sixteen mile interim project along US-395 from I-15 to approximately Desert Flower Road in the City of Adelanto. The project will widen US-395 to four lanes with a continuous median left turn lane. Some portions of US-395 in the Victor Valley are already widened to four lanes, but multiple gaps of two-lane highway still exist, which cause congestion problems and driver confusion. District 8 initially estimates the project will cost approximately \$41 million to construct, but the cost estimate will be refined during the project development phase.

Currently, District 8 is preparing the PSR for the project in order to commence work on the project and program future funds. They intend to begin Project Report and Environmental Document work on the project in Spring 2005. The PA&ED work on the interim project should be completed in approximately two and a half years with design, right-of-way purchase, and construction to follow. Thus, the project should be fully constructed well-before the completion of the PA&ED work on the separate long-term corridor project, which is estimated to take six or seven years alone.

District 8 estimates the cost of PA&ED for the interim project will cost \$2 million. Initially, the District was going to re-program \$2 million of Interregional Program (IIP) funds from the corridor project to the interim project. However, it was made very clear at the meeting of the Eastern California Transportation Planning Partnership that the Partners were very leery of moving money off of the corridor project. In fact, it was quite clear that moving money from the corridor project could jeopardize the \$6 million of Regional Improvement Program (RIP) funds from the northern Partners. As a result,

District 8, SANBAG, and local jurisdiction staff developed a financial plan for the PA&ED work

SANBAG staff met with technical representatives from the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino, in March 2004 to discuss a cost-sharing formula for the remaining \$600,000. Below is the cost-sharing per each agreement, which is based on a per mile share and two lane share of US-395 within the project limits. SANBAG plans to collect the funds and disperse them to Caltrans as work is performed. The amount of local contributions is summarized below:

<u>Jurisdiction</u>	<u>Total Share</u>
Hesperia	\$93,750
County	\$56,250
Victorville	\$264,844
Adelanto	\$185,156
Total	\$600,000

Financial Impact: This item is not consistent with the adopted SANBAG budget. This item amends the budget to increase Task No. 0594100, Mountain/Desert Planning and Project Development, by \$600,000 in local funds. The contribution of local funds from receivable Contract Nos. 05-030, 05-031, 05-032, and 05-033, will fund expenditures in Contract No. 05-019.

Reviewed By: This item and agreements have been reviewed by SANBAG Counsel, and were reviewed and approved by the Mountain/Desert Committee on January 21, 2005.

Responsible Staff: Andrew Green
Transportation Planning Analyst

SANBAG CONTRACT NO. 05-019

DISTRICT AGREEMENT NO. 08-1250

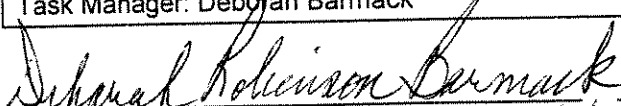

BETWEEN
SAN BERNARDINO ASSOCIATED GOVERNMENTS
 AND
STATE OF CALIFORNIA
 for

Contribution Agreement for improvements to US-395 within the Cities of

Hesperia, Victorville and Adelanto, and the County of San Bernardino

FOR ACCOUNTING PURPOSES ONLY			
<input checked="" type="checkbox"/> Payable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment
<input type="checkbox"/> Receivable			
Notes:			
Original Contract:	\$ 600,000	Previous Amendments Total:	\$ <u>N/A</u>
Contingency Amount:	\$ <u>N/A</u>	Current Amendment:	\$ <u>N/A</u>
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ 600,000
Please include funding allocation for the original contract or the amendment ↴			
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Amounts</u>
0594100		Local	\$ 600,000

Original Board Approved Contract Date: _____		Contract Start: 2/2/05	Contract End: 6/30/09
New Amend. Approval (Board) Date: _____		Amend. Start: _____	Amend. End: _____
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: <u>2004/2005</u>	Fiscal Year: _____	Fiscal Year: _____	
\$ <u>600,000</u>	\$ _____	\$ _____	
Is this consistent with the adopted budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If no, has the budget amendment been submitted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input checked="" type="checkbox"/> Intergovernmental	<input type="checkbox"/> Private	<input type="checkbox"/> Non-Local	<input type="checkbox"/> Local <input type="checkbox"/> Partly Local
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Deborah Barmack		Contract Manager: Deborah Barmack	

 Task Manager Signature	Date <u>1/21/05</u> Contract Manager Signature
 Chief Financial Officer Signature	Date <u>1-21-05</u>

SANBAG CONTRACT NO. 05019
DISTRICT AGREEMENT NO. 08-1250

BETWEEN
SAN BERNARDINO ASSOCIATED GOVERNMENTS
AND
STATE OF CALIFORNIA

This AGREEMENT, is entered into as of this _____ day of _____, 2005, by SAN BERNARDINO ASSOCIATED GOVERNMENTS, hereinafter referred to as SANBAG, and the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as STATE.

RECITALS

1. STATE and SANBAG, pursuant to Streets and Highways Code Section 130, are authorized to enter into a Cooperative Agreement for improvements to State highways within the Cities of Hesperia, Victorville and Adelanto, and the County of San Bernardino.
2. STATE proposes to widen the existing roadway from two lanes to four lanes on State Route 395 from Interstate 15 in Hesperia to Desert Flower Road in Adelanto, including a 4.2 mile median left turn lane referred to herein as PROJECT.
3. STATE will prepare the Project Study Report and Project Approval and Environmental Document (PA&ED) for PROJECT.
4. SANBAG is willing to fund approximately \$2,000,000 of support costs for the Project Study Report and PA&ED for PROJECT.
5. Design and construction of improvements related to PROJECT will be the subject of separate future Agreements.
6. The parties hereto intend to define the terms and conditions under which the Project Study Report and PA&ED for PROJECT is to be financed.

SECTION I

STATE AGREES:

1. To provide a Project Study Report (PR), including all necessary Project Approval and Environmental Documentation for PROJECT.

2. To be responsible for the investigation of potential hazardous material sites within and outside of the existing or proposed State highway right-of-way for PROJECT that would impact PROJECT as part of the responsibility for the PA&ED for PROJECT.
3. To obtain all necessary permits and/or agreements from appropriate regulatory agencies for PROJECT. All mitigation, monitoring, and/or remedial action required by said permits shall constitute parts of the cost of the support for PROJECT.

SECTION II

SANBAG AGREES:

1. To allocate to STATE \$1.4 million of federal Surface Transportation Program (STP) funds available for support costs for the Project Study Report and PA&ED for PROJECT.
2. To deposit with STATE \$600,000 of local funds on January 1, 2005, or immediately upon invoice thereafter for support costs for the Project Study Report and PA&ED for PROJECT.
3. SANBAG's total obligated authorization under this Agreement shall not exceed the amount of \$2,000,000.00 provided that SANBAG may, at its sole discretion, in writing, authorize a greater amount.

SECITON III

IT IS MUTUALLY AGREED:

1. All obligations of STATE and SANBAG under the terms of the Agreement are subject to the appropriation of resources by the Legislature, the allocation of resources by the California Transportation Commission and the allocation of federal STP funds to SANBAG.
2. STATE will be lead agency for environmental purposes pursuant to the California Environmental Quality Act and National Environmental Policy Act. The PA&ED will be prepared and processed in accordance with State and Federal requirements and will be subject to State and Federal review and approval. The resulting PA&ED will reflect the independent judgment of STATE.
3. Neither SANBAG nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction delegated to STATE under this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, STATE shall fully defend, indemnify and save harmless SANBAG, all officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction delegated to STATE under this Agreement.

6. This Agreement may be terminated or provisions contained herein may be altered, changed, or amended by mutual consent of the parties hereto.
7. This Agreement shall terminate upon completion of the final Project Study Report and final PA&ED for PROJECT by STATE, or on June 30, 2009, whichever is earlier in time.

IN WITNESS THEREOF, the authorized parties have below signed.

SAN BERNARDINO
ASSOCIATED GOVERNMENTS
SANBAG

DEPARTMENT OF TRANSPORTATION

Paul Biane
SANBAG Board President

ANNE E. MAYER
District 08 Director

Approved as to Form:

Approved as to Form:

Jean-Rene Basle
SANBAG Counsel

Attorney
Department of Transportation

CERTIFIED AS TO FUNDS:

District Budget Manager

CERTIFIED AS TO FINANCIAL
TERMS AND POLICIES:

Accounting Administrator

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 7

COPY

Date: April 7, 2004

Subject: US-395 Interim Project

Recommendation:

1. Receive report regarding Caltrans District 8's intent to pursue an interim widening project along existing US-395, in addition to the Project Approval and Environmental Document (PA&ED) phase of the US-395 Corridor Project.
2. Approve allocation of \$1.4 million of federal Surface Transportation Program (STP) funds for the PA&ED Phase of the US-395 Interim Project, provided that it is supplemented by \$600,000 from the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino.

Background:

Interim Project Need: As mentioned in the previous item, work on the US-395 corridor project from I-15 to Kramer Junction will resume in July 2004. While the long-term corridor efforts are essential, there are multiple short-term needs along the corridor as well. In an effort to address some of the needs, Caltrans District 8 is proposing a 16 mile interim project along US-395 from I-15 to approximately Desert Flower Road in the City of Adelanto. The project would widen US-395 to four lanes with a continuous median left turn lane. Some portions of US-395 in the Victor Valley are already widened to four lanes, but multiple gaps of two-lane highway still exist, which cause congestion problems and driver confusion. District 8 estimates the project will cost approximately \$41

Approved Consent

Approved
San Bernardino Associated Governments
Board of Directors

Date: April 7, 2004

Moved: Ulloa

Second: Gilbreath

In Favor: 23

Opposed: 0

Abstained: 0

Witnessed: _____

million to construct, but the cost estimate will be refined during the project development phase.

Currently, District 8 is preparing the Project Study Report (PSR) for the project in order to commence work on the project and program future funds. They intend to begin PA&ED work on the project in July 2004 simultaneously with the PA&ED work on the US-395 corridor project. The PA&ED work on the interim project should be completed in approximately two and a half years with design, right-of-way purchase, and construction to follow. Thus, the project should be fully constructed well-before the completion of the PA&ED work on the long-term corridor project, which is estimated to take six or seven years alone.

STP Allocation: District 8 estimates the cost of PA&ED for the interim project will cost \$2 million. Initially, the District was going to re-program \$2 million of Interregional Program (IIP) funds from the corridor project to the interim project. However, it was made very clear at the meeting of the Eastern California Transportation Planning Partnership that the Partners were very leery of moving money off of the corridor project. In fact, it was quite clear that moving money from the corridor project could jeopardize the \$6 million of Regional Improvement Program (RIP) funds from the northern Partners. As a result, District 8 approached SANBAG staff to put together a financial plan for the PA&ED work.

SANBAG staff has identified \$1.4 million of federal STP funds to fund a portion of the PA&ED. The STP was originally programmed for the Needles Highway Project, but was reallocated by the SANBAG Board of Directors in December 2003, to Measure I Major Projects or other projects that could meet use-it-or-lost-it provisions, with the agreement that funds in TEA-3 would be allocated to the Needles Highway project. SANBAG staff recommends approval of the allocation.

SANBAG staff also met with technical representatives from the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino, to discuss a cost-sharing formula for the remaining \$600,000. Below is the cost-sharing proposal, which is based on a per mile share of US-395 within the project limits. Upon approval from the SANBAG Board, SANBAG staff will begin working with the local jurisdictions to develop agreements by which funds will be collected for the project. SANBAG plans to collect the funds in either a one-time

payment or withholding of Measure I Local Pass-Through Funds over several months, and disperse them to Caltrans when they are needed.

<u>Jurisdiction</u>	<u>Total Share</u>
Hesperia	\$93,750
County	\$56,250
Victorville	\$264,844
Adelanto	\$185,156
Total	\$600,000

Financial Impact:

This item has no direct impact on the adopted SANBAG Budget. Staff activities associated with this item have a direct impact on current and future funding for the US-395 Interim Project, and are consistent with the adopted SANBAG Budget, Task No. 0494100, Mountain/Desert Planning and Project Development.

Reviewed By:

This item was reviewed by the Mountain/Desert Committee on March 19, 2004, and unanimously recommended for approval. This concept was developed in concert with technical representatives on March 15, 2004.

Responsible Staff:

Deborah Robinson Barmack
Director of Management Services

SANBAG Contract No. 05-030

by and between

San Bernardino Associated Governments

and

County of San Bernardino

for

US-395 Interim Project

FOR ACCOUNTING PURPOSES ONLY			
<input type="checkbox"/> Payable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original
<input checked="" type="checkbox"/> Receivable			<input type="checkbox"/> Amendment
Notes:			
Original Contract: \$ <u>56,250</u>		Previous Amendments Total: \$ <u>0</u>	
Contingency Amount: \$ <u>0</u>		Current Amendment: \$ <u>0</u>	
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ <u>56,250</u>
Please include funding allocation for the original contract or the amendment ↴			
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Amounts</u>
1 <u>0594100</u>	_____	1 <u>County of San Bernardino</u>	\$ <u>56,250</u>
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____
Original Board Approved Contract Date: <u>02/02/05</u> Contract Start: <u>02/02/05</u> Contract End: <u>02/1/06</u>			
New Amend. Approval (Board) Date: _____ Amend. Start: _____ Amend. End: _____			
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: <u>2004/2005</u>	Fiscal Year: _____	Fiscal Year: _____	
\$ <u>56,250</u>	\$ _____	\$ _____	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input checked="" type="checkbox"/> Intergovernmental	<input type="checkbox"/> Private	<input type="checkbox"/> Non-Local	<input type="checkbox"/> Local <input type="checkbox"/> Partly Local
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Deborah Barmack		Contract Manager: Andrew Green	

Deborah Robinson Barmack

Task Manager Signature

Date 2/2/05

Contract Manager Signature

Date

[Signature]

Chief Financial Officer Signature

Date

Filename: A05030.DOC

COOPERATIVE AGREEMENT NO. 05-030

BETWEEN

SAN BERNARDINO ASSOCIATED GOVERNMENTS

AND THE COUNTY OF SAN BERNARDINO

This Agreement is entered into this second day of February, 2005, by and between the San Bernardino Associated Governments (hereinafter "SANBAG") and the County of San Bernardino (hereinafter "COUNTY"), collectively known as "PARTIES."

RECITALS

1. WHEREAS, Caltrans District 8 ("STATE"), in cooperation with SANBAG and the Cities of Hesperia, Victorville, Adelanto, and the County of San Bernardino, is developing a 16 mile interim project along US-395 from I-15 in the City of Hesperia to near Desert Flower Road in the City of Adelanto to widen US-395 to four lanes with a continuous center left turn lane (hereinafter "PROJECT"); and,
2. WHEREAS, the STATE is preparing the Project Study Report and Project Approval and Environmental Document ("PA&ED") for the PROJECT; and,
3. WHEREAS, the STATE estimates that the cost of preparing the PA&ED for the PROJECT will be \$2 million; and,
4. WHEREAS, SANBAG, as a part of its \$2 million contribution to the STATE for the preparation of the PA&ED has approved an allocation of \$1.4 million of federal Surface Transportation Program (STP) funds at their April 2004 meeting, provided that it is supplemented by \$600,000 from the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino, for the total PA&ED cost of \$2 million; and,
5. WHEREAS, the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino agree to supplement SANBAG's contribution to the STATE by contributing a fair share of the remaining \$600,000; and,
6. WHEREAS, the STATE is expected to be the lead agency for future phases of the PROJECT.

NOW THEREFORE, the PARTIES agree to the following:

1. SANBAG agrees to pay \$1.4 million of the \$2 million needed by the STATE for the preparation of the PA&ED for the PROJECT.

2. COUNTY agrees that their fair share of the contribution of the remaining \$600,000 needed for the preparation of the PA&ED for the PROJECT is \$56,250.
3. The COUNTY agrees to pay their contribution of \$56,250 to SANBAG by March 1, 2005. COUNTY's obligation to pay its share is contingent on each of the cities, referred to above, paying their respective shares.
4. The contribution agreed to by COUNTY is a one-time contribution solely for the purpose of supplementing SANBAG's \$1.4 million payment to the STATE for the preparation of the PROJECT PA&ED by the STATE and does not commit the COUNTY into contributing to future phases of the PROJECT.
5. The COUNTY agrees that SANBAG will administer CITY and COUNTY contributions and make payment to the STATE as necessary from CITY and COUNTY contributions for the PROJECT.
6. The COUNTY agrees to participate on the Project Development Team (PDT) and work with SANBAG and STATE in the development of the PROJECT.
7. SANBAG's Executive Director shall have full authority to exercise SANBAG's rights under this Agreement.
8. This Agreement sets forth the complete understanding between the PARTIES and no other representations or understandings shall govern the relationship between the PARTIES.
9. Amendments to this Agreement may be incorporated to this Agreement as mutually agreed to in writing by both COUNTY and SANBAG.
10. This Agreement is binding upon COUNTY and SANBAG and their successors and assigns. Except as otherwise provided herein, neither COUNTY nor SANBAG shall assign, sublet or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.
11. The PARTIES agree to indemnify and hold harmless each other, their officers, agents, and volunteers from any and all claims, actions or losses, damages, and/or liability resulting from the indemnifying party's negligent acts or omissions which arise from its performance of its obligations under this Agreement. The PARTIES' indemnification obligations shall survive the termination of this Agreement. In the event that the COUNTY and/or SANBAG is determined to be comparatively at fault for any claim, action, loss or damage that results from their respective obligations under the agreement, the COUNTY and/or SANBAG shall indemnify the other to the extent of its comparative fault.

COUNTY OF SAN BERNARDINO

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

By: _____
Bill Postmus, Chairman
Board of Supervisors

APPROVED AS TO FORM:

By: _____
Ron Reitz, County Counsel

By: _____
Paul Biane, SANBAG President

APPROVED AS TO FORM:

By: _____
Jean-Rene Basle, SANBAG Counsel

SANBAG Contract No. 05-030

by and between

San Bernardino Associated Governments

and

County of San Bernardino

for

US-395 Interim Project

FOR ACCOUNTING PURPOSES ONLY			
<input type="checkbox"/> Payable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment
<input checked="" type="checkbox"/> Receivable			
Notes:			
Original Contract: \$ <u>56,250</u>		Previous Amendments Total: \$ <u>0</u>	
Contingency Amount: \$ <u>0</u>		Current Amendment: \$ <u>0</u>	
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ <u>56,250</u>
Please include funding allocation for the original contract or the amendment ↴			
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Amounts</u>
1 <u>0594100</u>	_____	1 <u>County of San Bernardino</u>	\$ <u>56,250</u>
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____
Original Board Approved Contract Date: <u>02/02/05</u> Contract Start: <u>02/02/05</u> Contract End: <u>02/1/06</u>			
New Amend. Approval (Board) Date: _____ Amend. Start: _____ Amend. End: _____			
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: <u>2004/2005</u> \$ <u>56,250</u>	Fiscal Year: _____ \$ _____	Fiscal Year: _____ \$ _____	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input checked="" type="checkbox"/> Intergovernmental <input type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local			
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Deborah Barmack		Contract Manager: Andrew Green	

Deborah Barmack

Task Manager Signature

Date 1/2/05

Contract Manager Signature

Date

S. J. [Signature]

Chief Financial Officer Signature

Date

Filename: A05030.DOC

COOPERATIVE AGREEMENT NO. 05-030

BETWEEN

SAN BERNARDINO ASSOCIATED GOVERNMENTS

AND THE COUNTY OF SAN BERNARDINO

This Agreement is entered into this second day of February, 2005, by and between the San Bernardino Associated Governments (hereinafter "SANBAG") and the County of San Bernardino (hereinafter "COUNTY"), collectively known as "PARTIES."

RECITALS

1. WHEREAS, Caltrans District 8 ("STATE"), in cooperation with SANBAG and the Cities of Hesperia, Victorville, Adelanto, and the County of San Bernardino, is developing a 16 mile interim project along US-395 from I-15 in the City of Hesperia to near Desert Flower Road in the City of Adelanto to widen US-395 to four lanes with a continuous center left turn lane (hereinafter "PROJECT"); and,
2. WHEREAS, the STATE is preparing the Project Study Report and Project Approval and Environmental Document ("PA&ED") for the PROJECT; and,
3. WHEREAS, the STATE estimates that the cost of preparing the PA&ED for the PROJECT will be \$2 million; and,
4. WHEREAS, SANBAG, as a part of its \$2 million contribution to the STATE for the preparation of the PA&ED has approved an allocation of \$1.4 million of federal Surface Transportation Program (STP) funds at their April 2004 meeting, provided that it is supplemented by \$600,000 from the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino, for the total PA&ED cost of \$2 million; and,
5. WHEREAS, the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino agree to supplement SANBAG's contribution to the STATE by contributing a fair share of the remaining \$600,000; and,
6. WHEREAS, the STATE is expected to be the lead agency for future phases of the PROJECT.

NOW THEREFORE, the PARTIES agree to the following:

1. SANBAG agrees to pay \$1.4 million of the \$2 million needed by the STATE for the preparation of the PA&ED for the PROJECT.

2. COUNTY agrees that their fair share of the contribution of the remaining \$600,000 needed for the preparation of the PA&ED for the PROJECT is \$56,250.
3. The COUNTY agrees to pay their contribution of \$56,250 to SANBAG by March 1, 2005. COUNTY's obligation to pay its share is contingent on each of the cities, referred to above, paying their respective shares.
4. The contribution agreed to by COUNTY is a one-time contribution solely for the purpose of supplementing SANBAG's \$1.4 million payment to the STATE for the preparation of the PROJECT PA&ED by the STATE and does not commit the COUNTY into contributing to future phases of the PROJECT.
5. The COUNTY agrees that SANBAG will administer CITY and COUNTY contributions and make payment to the STATE as necessary from CITY and COUNTY contributions for the PROJECT.
6. The COUNTY agrees to participate on the Project Development Team (PDT) and work with SANBAG and STATE in the development of the PROJECT.
7. SANBAG's Executive Director shall have full authority to exercise SANBAG's rights under this Agreement.
8. This Agreement sets forth the complete understanding between the PARTIES and no other representations or understandings shall govern the relationship between the PARTIES.
9. Amendments to this Agreement may be incorporated to this Agreement as mutually agreed to in writing by both COUNTY and SANBAG.
10. This Agreement is binding upon COUNTY and SANBAG and their successors and assigns. Except as otherwise provided herein, neither COUNTY nor SANBAG shall assign, sublet or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.
11. The PARTIES agree to indemnify and hold harmless each other, their officers, agents, and volunteers from any and all claims, actions or losses, damages, and/or liability resulting from the indemnifying party's negligent acts or omissions which arise from its performance of its obligations under this Agreement. The PARTIES' indemnification obligations shall survive the termination of this Agreement. In the event that the COUNTY and/or SANBAG is determined to be comparatively at fault for any claim, action, loss or damage that results from their respective obligations under the agreement, the COUNTY and/or SANBAG shall indemnify the other to the extent of its comparative fault.

COUNTY OF SAN BERNARDINO

By: _____
Bill Postmus, Chairman
Board of Supervisors

APPROVED AS TO FORM:

By: _____
Ron Reitz, County Counsel

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

By: _____
Paul Biane, SANBAG President

APPROVED AS TO FORM:

By: _____
Jean-Rene Basle, SANBAG Counsel

SANBAG Contract No. 05-031

by and between

San Bernardino Associated Governments

and

City of Adelanto

for

US-395 Interim Project

FOR ACCOUNTING PURPOSES ONLY			
<input type="checkbox"/> Payable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment
<input checked="" type="checkbox"/> Receivable			
Notes:			
Original Contract: \$ <u>185,156</u>		Previous Amendments Total: \$ <u>0</u>	
Contingency Amount: \$ <u>0</u>		Current Amendment: \$ <u>0</u>	
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ <u>185,156</u>
Please include funding allocation for the original contract or the amendment ↴			
Task	Cost Code	Funding Sources	Amounts
1 <u>0594100</u>	_____	1 <u>City of Adelanto</u>	\$ <u>185,156</u>
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____
Original Board Approved Contract Date: <u>02/02/05</u>		Contract Start: <u>02/02/05</u>	Contract End: <u>02/1/06</u>
New Amend. Approval (Board) Date: _____		Amend. Start: _____	Amend. End: _____
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: <u>2004/2005</u>	Fiscal Year: _____	Fiscal Year: _____	
\$ <u>185,156</u>	\$ _____	\$ _____	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input checked="" type="checkbox"/> Intergovernmental	<input type="checkbox"/> Private	<input type="checkbox"/> Non-Local	<input type="checkbox"/> Local <input type="checkbox"/> Partly Local
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: <u>Deborah Barmack</u>		Contract Manager: <u>Andrew Green</u>	

Deborah Barmack
Task Manager Signature

Date 1/2/05

Contract Manager Signature

Date

S. J. [Signature]
Chief Financial Officer Signature

Date

Filename: A05031.DOC

COOPERATIVE AGREEMENT NO. 05-031
BETWEEN
SAN BERNARDINO ASSOCIATED GOVERNMENTS
AND THE CITY OF ADELANTO

This Agreement is entered into this second day of February, 2005, by and between the San Bernardino Associated Governments (hereinafter "SANBAG") and the City of Adelanto (hereinafter "CITY"), collectively known as "PARTIES."

RECITALS

1. WHEREAS, Caltrans District 8 ("STATE"), in cooperation with SANBAG and the Cities of Hesperia, Victorville, Adelanto, and the County of San Bernardino, is developing a 16 mile interim project along US-395 from I-15 in the City of Hesperia to near Desert Flower Road in the City of Adelanto to widen US-395 to four lanes with a continuous center left turn lane (hereinafter "PROJECT"); and,
2. WHEREAS, the STATE is preparing the Project Study Report and Project Approval and Environmental Document ("PA&ED") for the PROJECT; and,
3. WHEREAS, the STATE estimates that the cost of preparing the PA&ED for the PROJECT will be \$2 million; and,
4. WHEREAS, SANBAG, as a part of its \$2 million contribution to the STATE for the preparation of the PA&ED has approved an allocation of \$1.4 million of federal Surface Transportation Program (STP) funds at their April 2004 meeting, provided that it is supplemented by \$600,000 from the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino, for the total PA&ED cost of \$2 million; and,
5. WHEREAS, the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino agree to supplement SANBAG's contribution to the STATE by contributing a fair share of the remaining \$600,000; and,
6. WHEREAS, the STATE is expected to be the lead agency for future phases of the PROJECT.

NOW THEREFORE, the PARTIES agree to the following:

1. SANBAG agrees to pay \$1.4 million of the \$2 million needed by the STATE for the preparation of the PA&ED for the PROJECT.

2. CITY agrees that their fair share of the contribution of the remaining \$600,000 needed for the preparation of the PA&ED for the PROJECT is \$185,156.
3. The CITY agrees to pay their contribution of \$185,156 to SANBAG by March 1, 2005.
4. The contribution agreed to by CITY is a one-time contribution solely for the purpose of supplementing SANBAG's \$1.4 million payment to the STATE for the preparation of the PROJECT PA&ED by the STATE and does not commit the CITY into contributing to future phases of the PROJECT.
5. The CITY agrees that SANBAG will administer CITY and COUNTY contributions and make payment to the STATE as necessary from CITY and COUNTY contributions for the PROJECT.
6. The CITY agrees to participate on the Project Development Team (PDT) and work with SANBAG and STATE in the development of the PROJECT.
7. SANBAG's Executive Director shall have full authority to exercise SANBAG's rights under this Agreement.
8. This Agreement sets forth the complete understanding between the PARTIES and no other representations or understandings shall govern the relationship between the PARTIES.
9. Amendments to this Agreement may be incorporated to this Agreement as mutually agreed to in writing by both CITY and SANBAG.
10. This Agreement is binding upon CITY and SANBAG and their successors and assigns. Except as otherwise provided herein, neither CITY nor SANBAG shall assign, sublet or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.
11. The PARTIES agree to indemnify and hold harmless each other, their officers, agents, and volunteers from any and all claims, actions or losses, damages, and/or liability resulting from the indemnifying party's negligent acts or omissions which arise from its performance of its obligations under this Agreement. The PARTIES' indemnification obligations shall survive the termination of this Agreement

CITY OF ADELANTO

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

By: _____
Jim Nehmens, Mayor

By: _____
Paul Biane, SANBAG President

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
CITY Attorney

By: _____
Jean-Rene Basle, SANBAG Counsel

SANBAG Contract No. 05-032

by and between

San Bernardino Associated Governments

and

City of Hesperia

for

US-395 Interim Project

FOR ACCOUNTING PURPOSES ONLY			
<input type="checkbox"/> Payable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original
<input checked="" type="checkbox"/> Receivable			<input type="checkbox"/> Amendment
Notes:			
Original Contract:	\$ <u>93,750</u>	Previous Amendments Total:	\$ <u>0</u>
Contingency Amount:	\$ <u>0</u>	Current Amendment:	\$ <u>0</u>
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ 93,750
Please include funding allocation for the original contract or the amendment ↴			
Task	Cost Code	Funding Sources	Amounts
1 <u>0594100</u>	_____	1 <u>City of Hesperia</u>	\$ <u>93,750</u>
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____
Original Board Approved Contract Date: <u>02/02/05</u> Contract Start: <u>02/02/05</u> Contract End: <u>02/1/06</u>			
New Amend. Approval (Board) Date: _____ Amend. Start: _____ Amend. End: _____			
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: <u>2004/2005</u>	Fiscal Year: _____	Fiscal Year: _____	
\$ <u>93,750</u>	\$ _____	\$ _____	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input checked="" type="checkbox"/> Intergovernmental	<input type="checkbox"/> Private	<input type="checkbox"/> Non-Local	<input type="checkbox"/> Local <input type="checkbox"/> Partly Local
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Deborah Barmack		Contract Manager: Andrew Green	

Task Manager Signature

Date

Contract Manager Signature

Date

Chief Financial Officer Signature

Date

Filename: A05032.DOC

COOPERATIVE AGREEMENT NO. 05-032

BETWEEN

SAN BERNARDINO ASSOCIATED GOVERNMENTS

AND THE CITY OF HESPERIA

This Agreement is entered into this second day of February, 2005, by and between the San Bernardino Associated Governments (hereinafter "SANBAG") and the City of Hesperia (hereinafter "CITY"), collectively known as "PARTIES."

RECITALS

1. WHEREAS, Caltrans District 8 ("STATE"), in cooperation with SANBAG and the Cities of Hesperia, Victorville, Adelanto, and the County of San Bernardino, is developing a 16 mile interim project along US-395 from I-15 in the City of Hesperia to near Desert Flower Road in the City of Adelanto to widen US-395 to four lanes with a continuous center left turn lane (hereinafter "PROJECT"); and,
2. WHEREAS, the STATE is preparing the Project Study Report and Project Approval and Environmental Document ("PA&ED") for the PROJECT; and,
3. WHEREAS, the STATE estimates that the cost of preparing the PA&ED for the PROJECT will be \$2 million; and,
4. WHEREAS, SANBAG, as a part of its \$2 million contribution to the STATE for the preparation of the PA&ED has approved an allocation of \$1.4 million of federal Surface Transportation Program (STP) funds at their April 2004 meeting, provided that it is supplemented by \$600,000 from the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino, for the total PA&ED cost of \$2 million; and,
5. WHEREAS, the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino agree to supplement SANBAG's contribution to the STATE by contributing a fair share of the remaining \$600,000; and,
6. WHEREAS, the STATE is expected to be the lead agency for future phases of the PROJECT.

NOW THEREFORE, the PARTIES agree to the following:

1. SANBAG agrees to pay \$1.4 million of the \$2 million needed by the STATE for the preparation of the PA&ED for the PROJECT.

2. CITY agrees that their fair share of the contribution of the remaining \$600,000 needed for the preparation of the PA&ED for the PROJECT is \$93,750.
3. The CITY agrees to pay their contribution of \$93,750 to SANBAG by March 1, 2005.
4. The contribution agreed to by CITY is a one-time contribution solely for the purpose of supplementing SANBAG's \$1.4 million payment to the STATE for the preparation of the PROJECT PA&ED by the STATE and does not commit the CITY into contributing to future phases of the PROJECT.
5. The CITY agrees that SANBAG will administer CITY and COUNTY contributions and make payment to the STATE as necessary from CITY and COUNTY contributions for the PROJECT.
6. The CITY agrees to participate on the Project Development Team (PDT) and work with SANBAG and STATE in the development of the PROJECT.
7. SANBAG's Executive Director shall have full authority to exercise SANBAG's rights under this Agreement.
8. This Agreement sets forth the complete understanding between the PARTIES and no other representations or understandings shall govern the relationship between the PARTIES.
9. Amendments to this Agreement may be incorporated to this Agreement as mutually agreed to in writing by both CITY and SANBAG.
10. This Agreement is binding upon CITY and SANBAG and their successors and assigns. Except as otherwise provided herein, neither CITY nor SANBAG shall assign, sublet or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.
11. The PARTIES agree to indemnify and hold harmless each other, their officers, agents, and volunteers from any and all claims, actions or losses, damages, and/or liability resulting from the indemnifying party's negligent acts or omissions which arise from its performance of its obligations under this Agreement. The PARTIES' indemnification obligations shall survive the termination of this Agreement

CITY OF HESPERIA

By: _____
James Lindley, Mayor

APPROVED AS TO FORM:

By: _____
CITY Attorney

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

By: _____
Paul Biane, SANBAG President

APPROVED AS TO FORM:

By: _____
Jean-Rene Basle, SANBAG Counsel

SANBAG Contract No. 05-033

by and between

San Bernardino Associated Governments

and

City of Victorville

for

US-395 Interim Project

FOR ACCOUNTING PURPOSES ONLY			
<input type="checkbox"/> Payable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original
<input checked="" type="checkbox"/> Receivable			<input type="checkbox"/> Amendment
Notes:			
Original Contract: \$ <u>264,844</u>		Previous Amendments Total: \$ <u>0</u>	
Contingency Amount: \$ <u>0</u>		Current Amendment: \$ <u>0</u>	
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ 264,844
Please include funding allocation for the original contract or the amendment ↴			
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Amounts</u>
1 <u>0594100</u>	_____	1 <u>City of Victorville</u>	\$ <u>264,844</u>
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____
Original Board Approved Contract Date: <u>02/02/05</u> Contract Start: <u>02/02/05</u> Contract End: <u>02/1/06</u>			
New Amend. Approval (Board) Date: _____ Amend. Start: _____ Amend. End: _____			
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: <u>2004/2005</u>	Fiscal Year: _____	Fiscal Year: _____	
\$ <u>264,844</u>	\$ _____	\$ _____	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input checked="" type="checkbox"/> Intergovernmental <input type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local			
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Deborah Barmack		Contract Manager: Andrew Green	

Deborah Barmack

Task Manager Signature

Date 1/24/05

Contract Manager Signature

Date

[Signature]

Chief Financial Officer Signature

Date

Filename: A05033.DOC

COOPERATIVE AGREEMENT NO. 05-033

BETWEEN

SAN BERNARDINO ASSOCIATED GOVERNMENTS

AND THE CITY OF VICTORVILLE

This Agreement is entered into this second day of February, 2005, by and between the San Bernardino Associated Governments (hereinafter "SANBAG") and the City of Victorville (hereinafter "CITY"), collectively known as "PARTIES."

RECITALS

1. WHEREAS, Caltrans District 8 ("STATE"), in cooperation with SANBAG and the Cities of Hesperia, Victorville, Adelanto, and the County of San Bernardino, is developing a 16 mile interim project along US-395 from I-15 in the City of Hesperia to near Desert Flower Road in the City of Adelanto to widen US-395 to four lanes with a continuous center left turn lane (hereinafter "PROJECT"); and,
2. WHEREAS, the STATE is preparing the Project Study Report and Project Approval and Environmental Document ("PA&ED") for the PROJECT; and,
3. WHEREAS, the STATE estimates that the cost of preparing the PA&ED for the PROJECT will be \$2 million; and,
4. WHEREAS, SANBAG, as a part of its \$2 million contribution to the STATE for the preparation of the PA&ED has approved an allocation of \$1.4 million of federal Surface Transportation Program (STP) funds at their April 2004 meeting, provided that it is supplemented by \$600,000 from the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino, for the total PA&ED cost of \$2 million; and,
5. WHEREAS, the Cities of Adelanto, Hesperia, and Victorville, and the County of San Bernardino agree to supplement SANBAG's contribution to the STATE by contributing a fair share of the remaining \$600,000, which can only be utilized for this project and if the project does not move forward, local match will be returned to each agency; and,
6. WHEREAS, the STATE is expected to be the lead agency for future phases of the PROJECT.

NOW THEREFORE, the PARTIES agree to the following:

1. SANBAG agrees to pay \$1.4 million of the \$2 million needed by the STATE for the preparation of the PA&ED for the PROJECT.

2. CITY agrees that their fair share of the contribution of the remaining \$600,000 needed for the preparation of the PA&ED for the PROJECT is \$264,844.
3. The CITY agrees to pay their contribution of \$264,844 to SANBAG by March 1, 2005.
4. The contribution agreed to by CITY is a one-time contribution solely for the purpose of supplementing SANBAG's \$1.4 million payment to the STATE for the preparation of the PROJECT PA&ED by the STATE and does not commit the CITY into contributing to future phases of the PROJECT.
5. The CITY agrees that SANBAG will administer CITY and COUNTY contributions and make payment to the STATE as necessary from CITY and COUNTY contributions for the PROJECT.
6. The CITY agrees to participate on the Project Development Team (PDT) and work with SANBAG and STATE in the development of the PROJECT.
7. SANBAG's Executive Director shall have full authority to exercise SANBAG's rights under this Agreement.
8. This Agreement sets forth the complete understanding between the PARTIES and no other representations or understandings shall govern the relationship between the PARTIES.
9. Amendments to this Agreement may be incorporated to this Agreement as mutually agreed to in writing by both CITY and SANBAG.
10. This Agreement is binding upon CITY and SANBAG and their successors and assigns. Except as otherwise provided herein, neither CITY nor SANBAG shall assign, sublet or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.
11. The PARTIES agree to indemnify and hold harmless each other, their officers, agents, and volunteers from any and all claims, actions or losses, damages, and/or liability resulting from the indemnifying party's negligent acts or omissions which arise from its performance of its obligations under this Agreement. The PARTIES' indemnification obligations shall survive the termination of this Agreement

CITY OF VICTORVILLE

By: _____
Mike Rothschild, Mayor

APPROVED AS TO FORM:

By: _____
CITY Attorney

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

By: _____
Paul Biane, SANBAG President

APPROVED AS TO FORM:

By: _____
Jean-Rene Basle, SANBAG Counsel

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 7

Date: February 2, 2005

Subject: Amendment No. 1 to Contract No. 02-019 with LSA for On-Call Environmental Services for SR 210 Segments 10 & 11

Recommendation:* Approve Amendment No. 1 to Contract No. 02-019 with LSA for On-Call Environmental Services for SR 210 Segments 10 & 11 for \$177,500 for a total contract amount of \$527,500 as detailed in the Financial Impact Section.

Background: **This is an amendment to an existing agreement.** In September 2001, following a competitive selection process, the SANBAG Board of Directors approved a professional services agreement with LSA Associates to provide on-call environmental services for the SR 210 Segments 10 & 11. The scope of work for the original agreement was is to provide on-call, or task order, assistance as needed in securing all required streambed permits, providing support for obtaining all environmental clearances for the State Street storm drain which dumps into Lytle Creek, performing environmental mitigation services during construction including all required species and rare plant surveys, providing environmental clearances as may required to address design changes that have occurred since the Record of Decision, and such assistance with environmental services as may be required for segments 8 and 9 (managed by Caltrans). This work has been completed and SANBAG is now proceeding to the construction phase of the project.

In 1998 the San Bernardino Kangaroo Rat (SBKR) was emergency listed as an endangered species by the United States Fish and Wildlife Service (USFWS). In April 2002, the SBKR's habitat known as alluvial fan scrub or AFS was

*

Approved
San Bernardino Associated Governments
Board of Directors

Date: February 2, 2005

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

designated as critical habitat for the SBKR which triggered a requirement for the USFWS to review and if necessary reissue and revised biological opinion for the SR 210 project through Rialto and San Bernardino. As part of the scope of work for the original agreement LSA assisted SANBAG in negotiations with USFWS on this issue.

In its final Biological Opinion the United States Fish and Wildlife Service has requested that SANBAG and Caltrans make a concerted effort to trap SBKR inhabiting the SR 210 project area around Lytle Creek and relocate them to adjacent habitat. The attached scope of work for LSA accomplishes this task. Caltrans has initially indicated a willingness to be responsible for the ongoing monitoring and maintenance of the new location as well as the documentation effort that is necessary to satisfy the USFWS.

The LSA scope also includes a task to provide environmental training through a Workers' Awareness Program to ensure that impacts to endangered species are minimized. The Worker's Awareness Program has been submitted to USFWS for approval and once approved LSA will distribute the Program and provide field training to contractors.

Financial Impact: The total amendment amount is \$177,500. The financial impact of this item during FY 04/05 is estimated at \$100,000, which is consistent with the FY 04/05 budget. Funding source is Measure I Valley Major Projects Fund. TN 0536800.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 13, 2005.

Responsible Staff: Darren Kettle, Director of Freeway Construction

by and between

San Bernardino Associated Governments

and

LSA Associates, Inc.

for

On-Call Environmental Services for I-210, Segments 10 & 11

FOR ACCOUNTING PURPOSES ONLY			
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment
Notes:			
Original Contract: \$ 350,000 Contingency Amount: \$ 0	Previous Amendments Total: \$ 0 Previous Amendments Contingency Total: \$ 0 Current Amendment: \$ 177,500 Current Amendment Contingency: \$ 0		
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ 527,500
Please include funding allocation for the original contract or the amendment ↴			
Task	Cost Code	Funding Sources	Amounts
1 0536800	5553	1 Measure I Valley Major Proj.	\$ 177,500
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____
Original Board Approved Contract Date: <u>9/5/01</u> Contract Start: <u>9/5/01</u> Contract End: <u>9/5/09</u> New Amend. Approval (Board) Date: <u>2/2/05</u> Amend. Start: <u>2/2/05</u> Amend. End: <u>9/5/09</u>			
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: <u>04/05</u> \$ <u>100,000</u>	Fiscal Year: <u>06/07</u> \$ <u>70,000</u>	Fiscal Year: <u>07/08</u> \$ <u>7,500</u>	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input type="checkbox"/> Intergovernmental <input checked="" type="checkbox"/> Private <input checked="" type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local			
Disadvantaged Business Enterprise: <input type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Darren Kettle		Contract Manager: Arlis Childs	

Task Manager Signature

Date

Contract Manager Signature

Date

Chief Financial Officer Signature

Date

AMENDMENT NO. 1

AGREEMENT BETWEEN

SAN BERNARDINO ASSOCIATED GOVERNMENTS/
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

LSA Associates, Inc..

FOR

ON CALL Environmental Services for I 210 (SR-30) Segments 10 & 11

This AMENDMENT to SANBAG CONTRACT NO. 02-019 entered into this 2nd day of February, 2005, by the firm of LSA Associates, Inc. (hereafter called CONSULTANT) and San Bernardino Associated Governments/San Bernardino County Transportation Authority (hereafter called SANBAG):

WITNESSETH:

WHEREAS, SANBAG, under SANBAG Contract No. 02-019, has engaged the services of CONSULTANT to provide on call environmental services for the I-210 (SR-30), Segment 10 and Segment 11;

WHEREAS, the parties desire to amend the aforesaid contract; and

NOW THEREFORE, the parties hereto do mutually agree to amend Contract No. 02-019 as follows:

1. Under Article 3, Contract Price and Cost Principles, subsection 3.2 shall be amended to read as follows :

3.2 The total cost shall not exceed \$527,500.

This Amendment reflects additional work scope items as reflected in Exhibit A.

2. Except as amended by this amendment, all other provisions of Contract No. 02-019 remain in full force and effect.

IN WITNESS THEREOF, the authorized parties have below signed:

HANSON-WILSON, INC.

**SAN BERNARDINO ASSOCIATED
GOVERNMENTS/SAN BERNARDINO
COUNTY TRANSPORTATION
AUTHORITY**

By: _____
William Brewster, L.S.
Senior Vice President

By: _____
Paul Biane, President
SANBAG Board of Directors

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Jean-Rene Basle
SANBAG Counsel

TASK 8: TRANSLOCATION SITE PREPARATION AND SBKR TRAPPING

SCOPE OF SERVICES

Task 1: Site Demarcation

LSA will demarcate those areas within the translocation site that are currently inhabited by San Bernardino kangaroo rat (SBKR). The site boundary will be used for the installation of the SBKR fencing as well as to ensure that no work occurs outside of the project area. Demarcation of the areas within the translocation site that are currently occupied by SBKR will ensure that no SBKR will be harmed during site preparation activities. An estimated budget of \$20,000.00 will be needed to complete this task.

Task 2: Vegetation Clearing

LSA will direct a contractor (subcontractor to LSA) to clear the translocation site of undesirable vegetation, import sand into the translocation site, and install artificial burrows. The undesirable vegetation (annual grasses) will be cleared and sand will be imported into the translocation site in order to inhibit the future germination and growth of undesirable vegetation and create a habitat that is more suitable for SBKR. Artificial burrows will be installed within the newly created habitat in order to protect SBKR from predation, reduce stress associated with translocation, and encourage the translocated individuals to stay within the site. All work will be done under the direction and supervision of an LSA biologist. An estimated budget of \$25,000.00 will be needed to complete this task.

Task 3: Fence Installation

LSA will direct a contractor (subcontractor to LSA) to install SBKR fencing around the translocation site. The SBKR fencing will inhibit the movement of SBKR individuals out of the translocation site. All work will be done under the direction and supervision of an LSA biologist. An estimated budget of \$100,000.00 will be needed to complete this task.

Task 4: Trapping and Translocation

LSA will trap SBKR within the SR-210 Segment 10 project area and translocate them to the translocation site. An estimated budget of \$22,500.00 will be needed to complete this task.

PERSONNEL

Chris Meloni (of LSA's Irvine office) will be the task manager for this project.

SCHEDULE

LSA expects to complete the above scope of services within 30 days of notification to proceed and receipt of the project plans.

COST ESTIMATE

LSA proposes to accomplish these tasks on an hourly basis consistent with the attached cost proposal. LSA estimates a budget of \$167,500 will be adequate to complete the scope of services. This budget amount will not be exceeded without prior authorization.

CLIENT RESPONSIBILITIES

SANBAG will provide the final map upon which the project boundary will be based.

TASK 9: WORKER AWARENESS PROGRAM

SCOPE OF SERVICES

Task 1: Environmental Training

LSA will provide environmental training through a Worker's Awareness Program (document) to ensure that impacts to endangered species are minimized. LSA will submit the Worker's Awareness Program to the United States Fish and Wildlife Service (USFWS) for approval. Following USFWS approval, LSA will disseminate the Worker's Awareness Program to SANBAG and LSA subcontractors. LSA will be available to provide field training to contractors on a limited basis. An estimated budget of \$10,000.00 will be needed to complete this task.

PERSONNEL

Chris Meloni (of LSA's Irvine office) will be the task manager for this project.

SCHEDULE

LSA expects to complete the Worker's Awareness Program within 15 days of notification to proceed.

COST ESTIMATE

LSA proposes to accomplish these tasks on an hourly basis consistent with the attached cost proposal. LSA estimates a budget of \$10,000 will be adequate to complete the scope of services. This budget amount will not be exceeded without prior authorization.

COST PROPOSAL WORKSHEET																																																																																														
COMPANY: LSA Associates, Inc.		SCOPE OF WORK Task 8 - Translocation Site Preparation		DATE: January 5, 2005																																																																																										
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COST PROPOSAL WORKSHEET				
COMPANY: LSA Associates, Inc.		SCOPE OF WORK Task 9 - Worker Awareness Program		DATE: January 5, 2005
PROJECT: I-210 On Call Environmental Services (Contract No. 02-015)		REV: 1		
		PHASE/MILESTONE/PROJECT SUMMARY:		
DIRECT LABOR				
PERSONNEL	FUNCTION	HOURS	RATE	AMOUNT
Rob McCann	PROJECT MANAGER	1	\$60.00	\$60.00
Art Hornigshausen	PRINCIPAL BIOLOGIST	5	\$53.56	\$267.80
Richard Erickson	BIOLOGIST (SBKR)	25	\$40.38	\$1,009.50
Chris Meoni	BIOLOGIST (PROJECT MANAGER)	25	\$21.39	\$534.75
Leo Simone	BIOLOGIST (MONITOR/SBKR)	25	\$24.04	\$601.00
Zac Henderson	GRAPHICS (SENIOR ANALYST)	5	\$37.21	\$186.05
Jared Affleck	GRAPHICS (ANALYST)	5	\$25.34	\$126.70
Various	WORD PROCESSING	5	\$23.00	\$115.00
Various	GRAPHICS	5	\$27.00	\$135.00
Various	PRODUCTION	10	\$17.00	\$170.00
		Total Hours	111	
			TOTAL DIRECT LABOR	\$3,205.80
MULTIPLIERS				
ESCALATION @		(Rate)		
OVERHEAD @		155.00% (of Total Direct Labor+Escalation)		\$4,968.99
			TOTAL MULTIPLIERS	\$4,968.99
OTHER DIRECT EXPENSES				
ITEM	QUANTITY	UNIT	UNIT COST	AMOUNT
Travel	500	mi	\$0.345	\$172.50
Lodging		ea	at cost	\$100.00
Document Printing/Misc. Copies (i	1,000	ea	\$0.07	\$70.00
Postage		LS	at cost	\$100.00
Delivery		LS	at cost	\$100.00
Reprographics (outside printing)		LS	at cost	\$100.00
Miscellaneous Direct Expenses		LS	at cost	\$500.00
			TOTAL OTHER DIRECT EXPENSES	\$1,142.50
OUTSIDE SERVICES (w/o fee)				
COMPANY	LABOR	MULTIPLIER	EXPENSES	TOTAL
			TOTAL OUTSIDE SERVICES	
FEES				
Profit	9.00%			\$735.73
(applied to direct labor +multipliers)				
			TOTAL FEES	\$735.73
			TOTAL COST	\$10,053.02

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 8

Date: February 2, 2005

Subject: Amendment No. 3 for time extension to Contract No. 02-062 with Hanson & Wilson for on-call railroad consulting.

Recommendation:* Approve Amendment No. 3 to Contract No. 02-062 extending the period of performance with Hanson & Wilson for on-call railroad consulting for time extension to contract.

Background: **This is a no-cost amendment to an existing contract.** The original scope of this contract provided for professional assistance in negotiating with BNSF Railroad regarding the design and construction of I-215 improvements, primarily with regard to work in segment 1, and only potentially for those segments over which Caltrans was to be lead. The scope of work specifically did not include the preparation of the required Construction and Maintenance Agreements or the California Public Utilities Commission applications for the Orders to Construct for the five grade separations on the I-215 corridor in segments 1 and 2.

It was originally expected that most of this work would be handled by Caltrans, which has a separate group specializing in railroad relations. However, due to the fact that Caltrans has recognized the good work performed to date by Hanson & Wilson, coupled with staffing and workload problems, Caltrans has requested that SANBAG prepare both the Construction and Maintenance Agreements for the five grade separations in segments 1 and 2, as well as prepare the PUC applications for the Order's to Construct. Under the circumstances, this may be by far the more efficient arrangement, as Hanson & Wilson staff is quite experienced and ready to proceed. In the long run, there is no increased financial

*

Approved
San Bernardino Associated Governments
Board of Directors

Date: February 2, 2005

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*

Witnessed: _____

impact to SANBAG because the cost for performing this work would either be billed by Caltrans against Regional Improvement Program funds already programmed, or by Hanson & Wilson against this contract.

Financial Impact: As a period of performance extension, this item has no additional financial impact on the SANBAG 2004/05 budget. TN 0525300.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 13, 2005.

Responsible Staff: Darren Kettle, Director of Freeway Construction

SANBAG Contract No. 02-062-03

by and between

San Bernardino Associated Governments

and

Hanson-Wilson, Inc.

for

On Call Consulting Services

FOR ACCOUNTING PURPOSES ONLY

☒ Payable Vendor Contract # _____ Retention: ☐ Yes ☒ No ☐ Original
☐ Receivable ☒ Amendment

Notes: This amendment is a time extension only

Original Contract:	\$ <u>40,000</u>	Previous Amendments Total:	\$ <u>30,000</u>
		Previous Amendments Contingency Total:	\$ <u>0</u>
Contingency Amount:	\$ <u>0</u>	Current Amendment:	\$ <u>0</u>
		Current Amendment Contingency:	\$ <u>0</u>

Contingency Amount requires specific authorization by Task Manager prior to release.

Contract TOTAL → \$ 70,000

Please include funding allocation for the original contract or the amendment

<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Amounts</u>
1 _____	_____	1 _____	\$ _____
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____

Original Board Approved Contract Date: 04/03/02 Contract Start: 04/03/02 Contract End: 4/03/05

New Amend. Approval (Board) Date: 02/02/05 Amend. Start: 02/02/05 Amend. End: 7/3/07

If this is a multi-year contract/amendment, please allocate costs among fiscal years:

Fiscal Year: _____	Fiscal Year: _____	Fiscal Year: _____
\$ _____	\$ _____	\$ _____

Is this consistent with the adopted budget? ☒ Yes ☐ No

If no, has the budget amendment been submitted? ☐ Yes ☐ No

CONTRACT MANAGEMENT


Please mark an "X" next to all that apply:

☐ Intergovernmental ☐ Private ☐ Non-Local ☒ Local ☐ Partly Local

Disadvantaged Business Enterprise: ☒ No ☐ Yes _____%

Task Manager: **Darren Kettle**

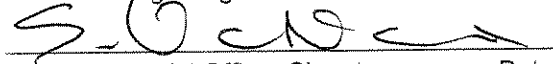
Contract Manager: **Dennis Saylor**


Task Manager Signature

1/19/05
Date

Contract Manager Signature

Date


Chief Financial Officer Signature

Date

AMENDMENT NO. 3

AGREEMENT BETWEEN

SAN BERNARDINO ASSOCIATED GOVERNMENTS/
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

Hanson-Wilson, Inc.

FOR

ON CALL RAILROAD CONSULTING SERVICES

This AMENDMENT NO. 3 to CONTRACT NO. 02-062 entered into as of this Second day of February, 2005, by the firm of Hanson-Wilson, Inc. (hereafter called CONSULTANT) and San Bernardino Associated Governments/San Bernardino County Transportation Authority (hereafter called SANBAG):

WITNESSETH:

WHEREAS, SANBAG, under SANBAG Contract No. 02-062 and amendments 1 and 2, has engaged the services of CONSULTANT to provide on call railroad consultant services for the I-215, Segment 1 Reconstruction/Widening Project and other projects for SANBAG.

WHEREAS, the parties desire to amend the aforesaid contract to provide for additional time to provide services as needed on various projects.

NOW THEREFORE, the parties hereto do mutually agree to amend Contract No. 02-062 as follows:

1. Under Article 2, Performance Schedule and Force Majeure, revise Section 2.1 to read as follows:

The Period of Performance by CONSULTANT under this contract shall commence on April 3, 2002 and shall continue in effect for sixty-three (63) months or until otherwise terminated or canceled as herein after directed, or unless extended by direction of SANBAG.

2. Except as amended by this amendment, all other provisions of Contract No. 02-062 and Amendments 1 and 2 remain in full force and effect.

IN WITNESS THEREOF, the authorized parties have below signed:

HANSON-WILSON, INC.

**SAN BERNARDINO ASSOCIATED
GOVERNMENTS/SAN BERNARDINO
COUNTY TRANSPORTATION
AUTHORITY**

By: _____
William Brewster, L.S.
Senior Vice President

By: _____
Paul Biane, President
SANBAG Board of Directors

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Jean-Rene Basle
SANBAG Counsel

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 9

Date: February 2, 2005

Subject: Amendment No. 1 to Contract No. 04-049 to provide Construction Zone Enhanced Enforcement (COZEEP) services for I-10 Truck Climbing Lane (TCL)

Recommendation:* Approve Amendment No. 1 to Contract No. 04-049 for COZEEP services with California Highway Patrol (CHP) for I-10 Truck Climbing Lane extending the agreement term to June 30, 2005.

Background: **This is an amendment to an existing cooperative agreement.** In February 2004 the Board approved Contract No. 04-049, a one year contract with CHP to provide COZEEP services for the I-10 Truck Climbing Lane project. Staff anticipates that the TCL construction will continue for several more months requiring an extension of the term of the existing agreement to April 30, 2005.

The purpose of the COZEEP program is to provide guidance to motorist when driving through a construction zone and is now a mandated element of all Traffic Management Plans (TMP) that must be approved Caltrans. The COZEEP program provides CHP officers to aid motorists and help alleviate congestion. The costs associated in providing these services, including the hourly rate of a CHP officer as set by statute and vehicle mileage, are now regularly included as part of the Engineer's Estimate of the project.

Financial Impact: As a period of performance extension, this item has no additional financial impact on the SANBAG 2004/05 Budget. TN 0543000.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 13, 2005.

Responsible Staff: Darren Kettle, Director of Freeway Construction

*

Approved
San Bernardino Associated Governments
Board of Directors

Date: February 2, 2005

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

SANBAG Contract No. 04-049-01

by and between

San Bernardino Associated Governments

and

the California Highway Patrol

for

Construction Zone Enhanced Enforcement Program

FOR ACCOUNTING PURPOSES ONLY			
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment
Notes:			
Original Contract:	\$ <u>148,278.80</u>	Previous Amendments Total:	\$ _____
Contingency Amount:	\$ _____	Current Amendment:	\$ <u>0</u>
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ <u>148,278.80</u>
Please include funding allocation for the original contract or the amendment			
Task	Cost Code	Funding Sources	Amounts
1 <u>0543000</u>	<u>5553</u>	1 <u>Measure I VMP</u>	\$ <u>148,278.80</u>
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____
Original Board Approved Contract Date: <u>2/4/04</u> Contract Start: <u>2/1/04</u> Contract End: <u>12/31/04</u>			
New Amend. Approval (Board) Date: <u>2/2/05</u> Amend. Start: <u>1/1/05</u> Amend. End: <u>6/30/05</u>			
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: _____ \$ _____	Fiscal Year: _____ \$ _____	Fiscal Year: _____ \$ _____	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input checked="" type="checkbox"/> Intergovernmental <input type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local			
Disadvantaged Business Enterprise: <input type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Darren Kettle		Contract Manager: Gary Shippy	

D. Kettle 1-19-05
Task Manager Signature Date

Contract Manager Signature Date

[Signature]
Chief Financial Officer Signature Date

STANDARD AGREEMENT

CSU Initial: L.F.

STD. 213A (Rev 5/03) (CHP Automated)

☐ CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED

PAGES

AGREEMENT NUMBER	AMENDMENT NUMBER
3R860000	1
REGISTRATION NUMBER:	

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

Department of California Highway Patrol

CONTRACTOR'S NAME

San Bernardino Associated Governments

2. The term of this Agreement is: 02/01/2004 through 12/31/2004 10 months

3. The maximum amount of this Agreement after this amendment is: \$148,278.80
One Hundred Forty-Eight Thousand Two Hundred Seventy-Eight Dollars And Eighty Cents

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

The effective date of this amendment is 12/31/2004. The reason for this amendment is to extend the term of the Agreement by six months.

4 of original agreement shall now read " The term of this agreement shall be February 1, 2004 through June 30, 2005."

Except as herein amended, all other terms and conditions remain in full force and effect.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR

San Bernardino Associated Governments

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

1170 W. 3rd Street, 2nd Floor San Bernardino CA 92401

STATE OF CALIFORNIA

AGENCY NAME

Department of California Highway Patrol

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

R. O. Vargas Administrative Services Officer

ADDRESS

P.O. Box 942898, Sacramento, CA 94298-0001

**California Department of
General Services Use Only**EXEMPT FROM
DEPARTMENT OF GENERAL SERVICES
APPROVAL IN ACCORDANCE
WITH THE STATE
ADMINISTRATIVE MANUAL☒ Exempt per:
SCM 3.09, A3

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 10

Date: February 2, 2005

Subject: Interstate 215 Rights of Way Acquisition – Request of Board of Supervisors to Hear and Adopt Resolutions of Necessity

Recommendation:* Request San Bernardino County Board of Supervisors to Hear and Adopt Resolutions of Necessity presented by the California Department of Transportation for Right of Way acquisition for the Interstate 215 Widening project through the City of San Bernardino.

Background: Beginning with the 1998 State Transportation Improvement Program (STIP), SANBAG has programmed Regional Improvement Program (RIP) funds for the purpose of Right of Way (ROW) acquisition necessary for the widening of Interstate 215 through the city of San Bernardino. The total amount of RIP funds now programmed for ROW includes over \$36 million for capital expenditures and \$6.25 million for support costs. However, due to the State's transportation funding crisis, "programming" has not translated to cash available for property purchases.

Over the past two years the California Transportation Commission has approved ROW Capital funding in the amount of \$150 million and \$250 million in 2003-04 and 2004-05 respectively and the I-215 has not been included on the lists of projects funded. In an effort to try to keep the project from experiencing further delays caused by the inability to secure ROW, the SANBAG Board has either approved or is in the process of approving cooperative agreements with Caltrans to fund over \$20 million of ROW acquisition with federal Congestion Mitigation/Air Quality

*

Approved
San Bernardino Associated Governments
Board of Directors

Date: February 2, 2005

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

(CMAQ) funds. These actions notwithstanding and due to the fact that the estimated total ROW capital costs exceed \$73 million, SANBAG staff has continued to explore a variety of options of accessing the RIP funds programmed for ROW by SANBAG in prior years. Caltrans ROW staff also reinitiated developing appraisals for parcels that are clearly within the environmental footprint of the project.

In late December 2004, Caltrans District 8 staff informed SANBAG that due to property acquisition delays throughout the State, \$12 million of ROW capital funds and \$6 million of ROW support funds **might** be available for the I-215 ROW acquisition if the funds can be expended by June 30, 2005. SANBAG staff suggested that in an effort to expedite property acquisition to meet the June 30, 2005 deadline, Caltrans should seriously consider taking advantage of using the Board of Supervisors for the purpose of hearing Resolutions of Necessity rather than the time consuming process of those Resolutions being heard by the California Transportation Commission. This option is available because the SANBAG Board was successful with sponsored legislation (AB 238) in 1999. On Tuesday, January 11, 2005, District 8 Staff informed SANBAG that the ROW funds were available and that it is Caltrans's intent to proceed with utilizing the Board of Supervisors for the purpose of adopting Resolutions of Necessity.

Financial Impact: This action imposes no financial impact.

Reviewed By: This item was reviewed and unanimously recommended by the Major Projects Committee on January 13, 2005.

Responsible Staff: Darren Kettle, Director of Freeway Construction

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 11

Date: February 2, 2005

Subject: Approve Amendment 1 to Cooperative Agreement No 04-060 with Caltrans for Interstate 215 Right of Way Capital funding

Recommendation:* Approve Amendment 1 to Cooperative Agreement No. 04-060 with Caltrans for Interstate 215 Right of Way Capital funding. The amendment amount is \$4.2 million for a total contract amount of \$8.2 million as detailed in the Financial Impact Section.

Background: This is an amendment to an existing cooperative agreement. In December 2004 the Board approved reallocation of approximately \$3.76 million of federal Congestion Mitigation/Air Quality (CMAQ) Funds to fund Right of Way Acquisition for I-215 freeway widening project through the city of San Bernardino. This amendment to an existing agreement with Caltrans is the ministerial action necessary to utilize the CMAQ funds for the purpose of purchasing right of way for the I-215 widening project.

Financial Impact: This item has no financial impact on the SANBAG 2004/05 fiscal year budget. Staff will budget both the CMAQ and local match expenditures and revenues in the 2005/06 fiscal year budget and subsequent years as necessary. TN 0525300

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 13, 2005.

Responsible Staff: Darren Kettle, Director of Freeway Construction

*

Approved
San Bernardino Associated Governments
Board of Directors

Date: February 2, 2005

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

SANBAG Contract No. 04-060-01

by and between

San Bernardino Associated Governments

and

State of California, Department of Transportation

for

Cooperative Agreement for I-215, Segment 1 Right of Way Work

FOR ACCOUNTING PURPOSES ONLY			
<input checked="" type="checkbox"/> Payable	Vendor Contract # 08-1247 A/1	Retention:	<input type="checkbox"/> Original
<input type="checkbox"/> Receivable		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Amendment
Notes:			
Original Contract:	\$ <u>3,953,462</u>	Previous Amendments Total:	\$ <u>0</u>
		Previous Amendments Contingency Total:	\$ <u>0</u>
Contingency Amount:	\$ <u>0</u>	Current Amendment:	\$ <u>4,250,075</u>
		Current Amendment Contingency:	\$ <u>0</u>
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ <u>8,203,762</u>
Please include funding allocation for the original contract or the amendment →			
Task	Cost Code	Funding Sources	Amounts
1 <u>0625300</u>	<u>5580</u>	1 <u>CMAQ</u>	\$ <u>3,762,591</u>
2 <u>0625300</u>	<u>5580</u>	2 <u>Meas. I Valley Major Projects</u>	\$ <u>487,484</u>
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____
Original Board Approved Contract Date: <u>05/05/04</u> Contract Start: <u>05/05/04</u> Contract End: <u>6/30/08</u>			
New Amend. Approval (Board) Date: <u>02/02/05</u> Amend. Start: <u>02/02/05</u> Amend. End: <u>6/30/08</u>			
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: _____	Fiscal Year: _____	Fiscal Year: _____	
\$ _____	\$ _____	\$ _____	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input checked="" type="checkbox"/> Intergovernmental	<input type="checkbox"/> Private	<input type="checkbox"/> Non-Local	<input type="checkbox"/> Local <input type="checkbox"/> Partly Local
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: <u>Darren Kettle</u>		Contract Manager: <u>Dennis Saylor</u>	

Task Manager Signature

Date

Contract Manager Signature

Date

Chief Financial Officer Signature

Date

08-Sbd-215-KP 10.8/12.4 (PM 6.7/7.7)
Widen for HOV lane and operational
improvements and modify/replace
interchanges from Rialto Ave to 9th St.
08303 - EA 0071A1 and EA 0071C1
(Formerly EA 0071U1)
District Agreement No. 08-1247

AMENDMENT NO. 1 TO AGREEMENT

THIS AGREEMENT, ENTERED INTO EFFECTIVE ON _____, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE", and the

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY, a public
entity, referred to herein as "AUTHORITY"

RECITALS

1. The parties hereto entered into an Agreement, District Agreement 8-1247 (Document No. 015860) on May 5, 2004, said Agreement defining the terms and conditions of a project to purchase Right of Way for the widening of Interstate 215 (I-215) to provide for one High Occupancy Vehicle (HOV) lane in each direction and operational improvements consisting of modifying existing interchanges and modifying existing exit and entrance ramps on I-215 through the city of San Bernardino from Rialto Avenue to 9th (Ninth) Street in San Bernardino County, referred to herein as "PROJECT".
2. It has been determined that AUTHORITY has additional CMAQ funds and local Measure match funds available for Right of Way purchase.

IT IS THEREFORE MUTUALLY AGREED:

1. The maximum Right of Way capital for PROJECT specified in the RECITALS, Article (4) and in SECTION II, Article (1) of the original Agreement shall now be \$8,203,762 (\$5,478,700 for EA 0071A1 and \$56,500 for EA 0071C1) instead of \$3,953,462.
2. Replace Attachment 1 in the original Agreement with Revised Attachment 1.
3. The other terms and conditions of said Agreement (Document No. 015860) shall remain in full force and effect.

4. This Amendment to Agreement is hereby deemed to be part of Document No. 015860 (District Agreement 8-1247).

STATE OF CALIFORNIA
Department of Transportation

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY.

WILL KEMPTON
Director

By _____
Paul Biane, Board President

By _____
ANNE MAYER, District Director

Attest: _____
Vicki Watson, Board Secretary

APPROVED AS TO FORM AND
PROCEDURE:

APPROVED AS TO FORM AND
PROCEDURE:

Attorney, Department of Transportation

By: _____
Jean-Rene Basle, Authority Counsel

CERTIFIED AS TO FUNDS AND
PROCEDURE:

District Accounting Administrator

REVISED ATTACHMENT 1

Sequence No. 8, dated 01/21/2004. This FNM76 is submitted to revise acquisition, RAP and demolitions estimates for EA submitted and authorized under Sequence 6.

E.A. 0071A1

Parcel No.	Acquisition	RAP	Demolition	Estimate \$
19602-1	\$30,000	\$0	\$0	\$30,000
19607-1	\$30,000	\$0	\$0	\$30,000
19608-1	\$1,300	\$0	\$0	\$1,300
18798-1	\$80,000	\$0	\$0	\$80,000
19614-1	\$80,000	\$0	\$0	\$80,000
19616-1	\$10,000	\$0	\$0	\$10,000
18800-1	\$540,000	\$20,000	\$40,000	\$600,000
18801-1	\$143,000	\$0	\$10,000	\$153,000
19624-1	\$14,800	\$0	\$0	\$14,800
18575-1	\$150,000	\$30,000	\$20,000	\$200,000
18840-1	\$635,000	\$25,000	\$40,000	\$700,000
18808-1	\$130,000	\$10,000	\$10,000	\$150,000
18809-1	\$167,000	\$10,000	\$10,000	\$187,000
18810-1	\$116,000	\$10,000	\$10,000	\$136,000
18811-1	\$5,600	\$0	\$0	\$5,600
19797-1	\$12,000	\$0	\$0	\$12,000
19798-1	\$625,000	\$25,000	\$50,000	\$700,000
17915-1	\$625,000	\$25,000	\$50,000	\$700,000
17916-1	\$120,000	\$10,000	\$10,000	\$140,000
17920-1	\$120,000	\$10,000	\$10,000	\$140,000
17923-1	\$120,000	\$10,000	\$10,000	\$140,000
18584-1	\$120,000	\$10,000	\$10,000	\$140,000
18587-1	\$120,000	\$10,000	\$10,000	\$140,000
18588-1	\$13,000	\$0	\$0	\$13,000
18814-1	\$120,000	\$10,000	\$10,000	\$140,000
18816-1	\$120,000	\$10,000	\$10,000	\$140,000
18817-1	\$120,000	\$10,000	\$10,000	\$140,000
18818-1	\$112,000	\$40,000	\$15,000	\$167,000
19631-1	\$389,000	\$0	\$0	\$389,000
	\$4,868,700	\$275,000	\$335,000	\$5,478,700

EA 0071C1

20017	\$56,500	\$0	\$0	\$56,500
	\$56,500	\$0	\$0	\$56,500

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 12

Date: February 2, 2005

Subject: Local Transportation Fund (LTF) Fiscal Year 2004/2005 Revised Apportionment and Fiscal Year 2005/2006 Apportionment Estimate

Recommendation:* Approve an increase of \$5,900,000 to the Fiscal Year 2004/2005 LTF Apportionment of \$61,190,000 for a new total apportionment of \$67,090,000.

Approve an increase in the current year allocation of planning funds to SANBAG by \$177,000 for a new total of \$2,012,700.

Approve the continuing reservation of \$6,000,000 from the un-audited Fiscal Year 2003/2004 LTF unrestricted balance through Fiscal Years 2004/2005 and 2005/2006.

Approve an LTF estimated apportionment for Fiscal Year 2005/2006 in the amount of \$69,300,000.

Background: Pursuant to Section 6620 of the California Code of Regulations (CCR) the San Bernardino County Auditor/Controller (Auditor) is to provide SANBAG with an estimate of revenue available for apportionment and allocation during the ensuing year (Fiscal Year 2005/2006) and if requested, a revised or updated estimate of revenues for the current fiscal year (2004/2005) from the County Auditor/Controller. Section 6644 of the CCR requires that SANBAG determine

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Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

and advise all prospective claimants of the amount of all area apportionments for the next fiscal year by March 1.

Typically SANBAG staff presents an estimate of the current year's and next year's LTF to the Auditor in December and requests the Auditor to concur or provide a different estimate. The current year adopted apportionment is \$61,190,000. Based upon a review of receipts during the first five months, SANBAG staff is projecting that the actual revenues may exceed the adopted apportionment by \$4.5 million. This amount would increase the current year LTF apportionment to \$65,690,000.

In addition, the Fiscal Year 2003/2004 un-audited unrestricted balance of \$7,400,000 of which \$6,000,000 was approved as a reserve by the SANBAG Board. From the unrestricted balance, staff is recommending that \$1,400,000 be added to the revised Fiscal Year 2004/2005 LTF apportionment creating a new total of \$67,090,000. Staff is also recommending that the remaining \$6,000,000 from the unrestricted balance continue to be reserved for any shortfall in receipts during the current or subsequent fiscal year.

With the adoption of the revised Fiscal Year 2004/2005 LTF apportionment, staff is recommending the Board increase the amount of funds allocated to SANBAG for planning purposes by \$177,000 for a new total of \$2,012,700. Pursuant to PUC Section 992332(b)(1), up to 3% of the annual LTF apportionment shall be allocated to SANBAG for its planning and programming responsibilities. Due to the shortfall in STIP funding SANBAG may not receive its allocation of \$570,000 in Planning, Programming and Monitoring (PPM) funds contained in the adopted SANBAG Budget. PPM funds were to be used to support the following tasks: 0552600 – Subregional Transportation Monitoring and 0537300 – Federal and State Fund Administration. The additional allocation of LTF planning funds will assist in off-setting the loss of PPM funding. A formal amendment to the SANBAG budget to reflect the change in funding sources for the above two tasks will be prepared once the fate of the PPM funding is known.

The recommended revised LTF apportionment for Fiscal Year 2004/2005 is included as Attachment A.

The Fiscal Year 2005/2006 estimate is based upon a 5.5% increase over the revised estimate of receipts during the current fiscal year for a total of \$69,300,000. SANBAG staff believes that this LTF estimate is reasonable. As noted above, staff is also recommending the continuation of a \$6,000,000 reserve from the unrestricted balance during the next fiscal year.

On December 22, staff from SANBAG and the Auditor's office met to discuss the estimated receipts for the current and next fiscal year. Subsequent to that meeting SANBAG has received a formal response from the Auditor's office concurring with the staff estimates of receipts for the current and next fiscal years. Staff has obtained the population figures used for determining apportionments to areas from the State Controller used for the January 2005 allocation of Motor Vehicles Tax and Motor Vehicle Off-Highway Apportionment and has estimated the amount to be apportioned to the Southern California Association of Governments (SCAG) for its planning activities. Attachment B provides the area apportionments for Fiscal Year 2005/2006 based upon the revenue estimate of \$69,300,000.

Pursuant to Section 99233.1 of the California Public Utilities Code (CPUC) SANBAG and the County Auditor shall be allocated such sums as are necessary for administrative responsibilities under the Transportation Development Act (TDA). The Auditor's staff is requesting a \$1,000 increase in their administrative cost during the next year to a total of \$17,000. In addition to annual TDA fiscal and compliance audits of claimants (except Omnitrans) and the two funds (LTF and STAF), during the next fiscal year SANBAG will also be required to conduct the Triennial Performance Audit of itself and the six transit operators/claimants. The amount of LTF required for SANBAG Administration next year is estimated to be \$390,000.

Pursuant to Section 99233.2(b)(1) up to 3% of the annual LTF revenues may be allocated to SANBAG for its transportation planning and programming functions. Based upon the SANBAG staff estimate for Fiscal Year 2005/2006, the amount available to SANBAG would be \$2,079,000.

Financial Impact: SANBAG is the designated agency responsible for the administration of the LTF for San Bernardino County. Adoption of the revised apportionment for the current fiscal year will result in an increase to the amount SANBAG receives for its planning and programming functions. A budget amendment will be prepared at a later date for the substitution of these additional revenues for State PPM revenue. The amounts to be allocated to SANBAG for administration and planning during Fiscal Year 2005/2006 will be included in next year's budget.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Administrative Committee on January 12, 2005 and the Mountain/Desert Committee on January 21, 2005.

Responsible Staff: Michael Bair, Director of Transit and Rail Programs

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0550200

ATTACHMENT A
San Bernardino County Local Transportation Fund
Fiscal Year 2004/2005 Revised Apportionment
Adopted 2/2/05

	ADOPTED APPORTIONMENT		REVISED APPORTIONMENT		DIFFERENCE
Estimated Unapportioned Carryover		\$ -		\$ 1,400,000	\$ 1,400,000
Estimated Annual LTF Receipts		\$ 61,190,000		\$ 65,690,000	\$ 4,500,000
Total Estimated Funds Available		\$ 61,190,000		\$ 67,090,000	\$ 5,900,000
Auditor's Administrative Cost		\$ 16,000		\$ 16,000	\$ -
SANBAG's Administrative Cost		\$ 275,000		\$ 275,000	\$ -
County Transportation Commission Planning		\$ 1,835,700		\$ 2,012,700	\$ 177,000
SCAG Planning		\$ 121,000		\$ 121,000	\$ -
Resulting Balance		\$ 58,942,300		\$ 63,265,300	\$ 4,323,000
Article 3 (SB821) Program		\$ 1,178,846		\$ 1,265,306	\$ 86,460
Balance Available for Apportionment		\$ 57,763,454		\$ 61,999,994	\$ 4,236,540
	ADOPTED APPORTIONMENT		REVISED APPORTIONMENT		DIFFERENCE
Valley	Population	Percentage	\$ 43,190,785	\$ 46,358,523	\$ 3,167,738
Adelanto	19,396	74.7718%	\$ 611,239	\$ 656,069	\$ 44,830
Apple Valley	58,883	1.0582%	\$ 1,855,618	\$ 1,991,715	\$ 136,096
Barstow	22,980	3.2124%	\$ 724,185	\$ 777,298	\$ 53,114
Big Bear Lake	5,872	1.2537%	\$ 185,048	\$ 198,620	\$ 13,572
Hesperia	67,843	0.3204%	\$ 2,137,981	\$ 2,294,786	\$ 156,806
Needles	5,225	3.7013%	\$ 164,659	\$ 176,735	\$ 12,077
Twentynine Palms	27,589	0.2851%	\$ 869,430	\$ 933,197	\$ 63,767
Victorville	72,485	1.5052%	\$ 2,284,267	\$ 2,451,802	\$ 167,535
Yucca Valley	17,966	3.9545%	\$ 566,174	\$ 607,699	\$ 41,525
County - Unincorporated	164,185	0.9802%	\$ 5,174,069	\$ 5,553,550	\$ 379,481
Total	1,832,966	8.9573%	\$ 57,763,454	\$ 61,999,994	\$ 4,236,540

Population Source: State Controller Motor Vehicle Fee 1/2004

SANBAG's Administrative Cost includes TDA Administration and Claimant Fiscal/Compliance Audits

SCAG Planning Cost (if applicable) apportioned to Commission counties based on LTF Revenue Estimates

Estimated Annual LTF Receipts per SANBAG/County Auditor 1/2004

Attachment B

**San Bernardino County Local Transportation Fund
Fiscal Year 2005-2006
Apportionments**

	APPORTIONMENT		
Estimated Unapportioned Carryover		\$ -	
Estimated Annual LTF Receipts		\$ 69,300,000	
Total Estimated Funds Available		\$ 69,300,000	
Auditor's Administrative Cost		\$ 17,000	
SANBAG's Administrative Cost		\$ 390,000	
County Transportation Commission Planning		\$ 2,079,000	
SCAG Planning		\$ 130,000	
Resulting Balance		\$ 66,684,000	
Article 3 (SB821) Program		\$ 1,333,680	
Balance Available for Apportionment		\$ 65,350,320	
Apportionment Area	Population	Percentage	APPORTIONMENT
Valley	1,406,910	74.5785%	\$ 48,737,315
Adelanto	21,271	1.1275%	\$ 736,857
Apple Valley	61,330	3.2510%	\$ 2,124,556
Barstow	23,208	1.2302%	\$ 803,958
Big Bear Lake	6,028	0.3195%	\$ 208,818
Hesperia	70,305	3.7268%	\$ 2,435,463
Needles	5,386	0.2855%	\$ 186,579
Twentynine Palms	27,589	1.4625%	\$ 955,721
Victorville	77,679	4.1177%	\$ 2,690,908
Yucca Valley	18,719	0.9923%	\$ 648,452
County - Unincorporated	168,056	8.9084%	\$ 5,821,693
Total	1,886,481	100.0000%	\$ 65,350,320

Population Source: State Controller Motor Vehicle Fee 1/2005

SANBAG's Administrative Cost includes TDA Administration, Claimant Fiscal/Compliance Audits and Triennial Performance Audit

Estimate of SCAG Planning Cost (if applicable) apportioned to Commission counties based on LTF Revenue Estimates

Estimated Annual LTF Receipts per SANBAG/County Auditor 1/2005

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 13

Date: February 2, 2005

Subject: State Transit Assistance Fund (STAF) Allocations for Fiscal Year 2004 – 2005 to the Mountain Area Regional Transit Authority (MARTA) and the San Bernardino Associated Governments (SANBAG)

Recommendation:* Adopt Resolution 05-013 authorizing STAF allocation instruction #05-07-MRT-B to MARTA for capital assistance in the amount of \$21,000.

Adopt Resolution 05-014 authorizing STAF allocation instruction #05-08-SAN-B to SANBAG for capital assistance in the amount of \$258,000.

Background: SANBAG requires the transit operators to amend their Transit Operating and Capital Plan (TOCP) to reflect budget amendments that affect their operating and capital plan. MARTA has identified the need to increase their capital budget for the re-powering of two revenue vehicles by \$21,000 for a project total of \$91,000. The LPG vehicles purchased in 2000 with CMAQ funding have been found to be underpowered for operation in the mountainous terrain at an elevation of 7,000 feet. **The MARTA Board of Directors approved the amended budget, TOCP and Transit Claim at their November 15, 2004 meeting.**

The SANBAG Board approved SANBAG's operating and capital assistance funding commitment to the Southern California Regional Rail Authority (SCRRA) at the June 2, 2004 Board meeting. Included in that approval was the

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Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

use of \$258,000 in STAF for a portion of the SCRRA annual capital renovation and rehabilitation budget. STAF Allocation #05-08-SAN-B in the amount of \$258,000 facilitates that funding commitment.

The California Code of Regulation specifies that an allocation of STAF "shall be made by a resolution, adopted by the governing board of the regional entity". Staff has prepared the above reference STAF resolutions and allocation instructions for Board adoption.

Financial Impact: Administration of STAF is consistent with the approved SANBAG budget Task No. 0550200. This item provides for the allocation of additional STAF revenues to MARTA for the engine rebuild project. Further this item provides the STAF revenues for a portion of SANBAG's commitment to the SCRRA 2004-2005 capital renovation and rehabilitation program as identified in Task No. 0535230 Commuter Rail Capital of the SANBAG budget.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Administrative Committee on January 12, 2005.

Responsible Staff: Michael Bair, Director Transit and Rail Programs
Victoria Baker, Senior Transit Analyst

RESOLUTION NO. 05-013

RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION AUTHORIZING ALLOCATION OF STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR 2004-2005

WHEREAS, the San Bernardino County Transportation Commission (SANBAG) is designated as the "regional Entity" by the State of California, and is therefore, responsible for the Administration and Allocation of funds from the State Transit Assistance Fund (SB620).

WHEREAS, the Mountain Area Regional Transit Authority (MARTA) has filed an amended claim with SANBAG for State Transit Assistance,

WHEREAS, SANBAG has reviewed the amended claim and finds the claim conforms to the State laws and regulations; and

- (a) The claimant's proposed expenditures are in conformance with the Regional Transportation Plan.
- (b) The claimant's level of passenger fares and charges are sufficient to enable the operator or transit service to meet the fare revenue requirement that is applicable to the claimant.
- (c) The claimant is making full use of federal funds available under the Transportation Equity Act for the 21st Century, as amended.
- (d) The sum of the claimant's allocations from the State Transit Assistance Funds and from the Local Transportation Funds does not exceed the amount the claimant is eligible to receive during the fiscal year.
- (e) Priority consideration has been given to claims to offset reduction in federal operating assistance and unanticipated increases in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, county-wide, or area-wide public transportation needs.
- (f) The operator has made reasonable effort to implement productivity improvements recommended pursuant to Public Utilities Code 99244.
- (g) The operator is in compliance with the eligibility standards pursuant to Public Utilities Code Section 99314.6.

NOW, THEREFORE BE IT RESOLVED that SANBAG hereby approves the allocation shown on the attached Allocation Instruction Summary.

BE IT FURTHER RESOLVED that the Executive Director of SANBAG is hereby authorized to transmit allocation instructions to the County Auditor/Controller.

Approved by the Board of Directors of the San Bernardino County Transportation
Commission at a regular meeting thereof held this 2nd day of February 2005.
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Approved
San Bernardino Associated Governments
Board of Directors

Date:

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

FY 2004-2005 State Transit Assistance Allocation Instruction

Allocation #	Amount	Purpose	PUC Section	Amount
05-07-MRT-B	\$ 21,000	Capital		
Total	\$ 21,000			

99313	\$ 21,000
99314	

Capital Project:
Revenue Vehicles:
 2 Engine Rehabs \$ 21,000

RESOLUTION NO. 05-014

RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION AUTHORIZING ALLOCATION OF STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR 2004-2005

WHEREAS, the San Bernardino County Transportation Commission (SANBAG) is designated as the "regional Entity" by the State of California, and is therefore, responsible for the Administration and Allocation of funds from the State Transit Assistance Fund (SB620).

WHEREAS, the San Bernardino County Transportation Commission has filed a claim for State Transit Assistance funds to pay commuter rail capital assistance, pursuant to Section 99313.7 of the Public Utilities Code;

WHEREAS, SANBAG has reviewed the claim and finds the claim conforms to the State laws and regulations;

NOW, THEREFORE BE IT RESOLVED that SANBAG hereby approves the allocation shown on the attached Allocation Instruction Summary.

BE IT FURTHER RESOLVED that the Executive Director of SANBAG is hereby authorized to transmit allocation instructions to the County Auditor/Controller.

Approved by the Board of Directors of the San Bernardino County Transportation Commission at a regular meeting thereof held this 2nd day of February 2005.

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Approved
San Bernardino Associated Governments
Board of Directors

Date:

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed:

FY 2004-2005 State Transit Assistance Allocation Instruction

Allocation #	Amount	Purpose	PUC Section	Amount
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05-08-SAN-B	\$258,000	Capital		
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Total	\$258,000			
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			99314	\$ 258,000
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Capital Project:

Facilities:

Rehabilitation and
Renovation

	\$ 258,000
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- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 14

Date: February 2, 2005

Subject: Omnitrans Short Range Transit Plan (SRTP) Amendment and State Transit Assistance Fund (STAF) Allocation

Recommendation:* Approve amendment to Omnitrans' Fiscal Year 2004-2009 SRTP to reflect the increase in project costs for the East Valley Restructuring Project, Chino Transit Center and lease of six service/relief vehicles.

Adopt Resolution 05-011 rescinding a portion of the STAF Allocation number 95-08-OMN-B in the amount of \$838.00; 97-05-OMN-B in the amount of \$264,576; a portion Allocation number 99-01-OMN-B in the amount of \$1,210; a portion Allocation number 01-05-OMN-B in the amount of \$255,230; a portion of Allocation number 02-05-OMN-B in the amount of \$73,447; a portion Allocation number 03-08-OMN-B in the amount of \$124,801; a portion Allocation number 03-10-OMN-B in the amount of \$35,012 and a portion Allocation number 04-05-OMN-B in the amount of \$26,599 for a total recession of \$781,713.

Adopt Resolution 05-012 authorizing STAF Allocation number 05-09-OMN-B in the amount of \$746,701 for the capital projects identified in action item number one.

Background: Omnitrans has amended their SRTP, Budget and Transit claim to reflect an increase in funding for Chino Transit Center, the lease of six service/relief

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Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

vehicles and the East Valley Restructure Project. **The Omintrans Board of Directors approved amending the budget and SRTP for these three projects at their October 6, 2004, November 3, 2004 and December 1, 2004 Board meetings.**

The staffs of Omnitrans and SANBAG have cooperatively identified the additional funding required for these three projects. All of the additional funding will be provided from STAF previously allocated to Omnitrans for capital projects that have been completed and have a remaining balance of funds available. As noted above, the total amount of STAF allocation being rescinded is \$781,713. The new STAF Allocation #05-09-OMN-B will allocate \$746,701 of the rescinded amount to the three Omnitrans projects. The remaining \$35,012 in STAF will remain available in the fund for future allocation.

The California Code of Regulations specifies that an allocation and/or rescission of a STAF allocation "shall be made by resolution, adopted by the governing board of the regional entity..." Further, SANBAG requires the transit operator to amend their SRTP to reflect changes in their operating and capital budget

With the approval of the amendments to the Omnitrans SRTP for the three capital projects, the Board may approve the STAF resolutions identified above.

Financial Impact: There is no financial impact on the SANBAG budget. The administration of STAF is consistent with the approved SANBAG Budget, Task 0550200. The item does provide for funds necessary to fund the projects identified in this item.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Administrative Committee on January 12, 2005.

Responsible Staff: Michael Bair, Director Transit and Rail Programs
Victoria Baker, Senior Transit Analyst

RESOLUTION NO. 05-011

RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION RESCINDING STATE TRANSIT ASSISTANCE FUNDS TO OMNITRANS

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WHEREAS, the San Bernardino County Transportation Commission (SANBAG) is designated as the "regional Entity" by the State of California, and is therefore, responsible for the Administration and Allocation of funds from the State Transit Assistance Fund (SB620); and

WHEREAS, the SANBAG Board of Directors approved State Transit Assistance Allocation numbers: 95-08-OMN-B on September 7, 1994 in the amount of \$812,720; 97-05-OMN-B on June 4, 1997, in the amount of \$2,349,000; 99-01-OMN-B on August 5, 1998, in the amount of \$2,015,461; 01-05-OMN-B on July 5, 2000, in the amount of \$2,058,800; 02-05-OMN-B on January 9, 2000, in the amount of \$3,048,549; 03-08-OMN-B on December 4, 2002, in the amount of \$3,159,006; 03-10-OMN-B on March 5, 2005 and 04-05-OMN on December 3, 2003 in the amount of \$1,143,126 for various Omnitrans capital projects, and

WHEREAS, Omnitrans has completed some or all the projects outlined in the Allocations resulting in a balance of funds remaining in the individual allocations, and

WHEREAS, Omnitrans has identified other capital projects for which these funds could be used,

NOW, THEREFORE BE IT RESOLVED that SANBAG hereby rescinds the \$838 of Allocation number 95-08-OMN-B; \$264,576 of Allocation number 97-05-OMN-B; \$1,210 of Allocation number 99-01-OMN-B; \$255,230 of Allocation number 01-05-OMN-B; \$73,447 of Allocation number 02-05-OMN-B; \$124,801 of Allocation number 03-08-OMN-B; \$35,012 of Allocation 03-10-OMN-B and \$26,599 of Allocation number 04-05-OMN-B for a total amount rescinded of \$781,713.

BE IT FURTHER RESOLVED that the Executive Director of SANBAG is hereby authorized to transmit the rescission of the allocation instructions to the County Auditor/Controller.

Approved by the Board of Directors of the San Bernardino County Transportation Commission at a regular meeting thereof held this 2nd day of February 2005.

Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

R05011-vlb.doc

RESOLUTION NO. 05-012

RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION AUTHORIZING ALLOCATION OF STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR 2004-2005

WHEREAS, the San Bernardino County Transportation Commission (SANBAG) is designated as the "Regional Entity" by the State of California, and is therefore, responsible for the Administration and Allocation of funds from the State Transit Assistance Fund (SB620).

WHEREAS, Omnitrans has filed an amended claim with SANBAG for State Transit Assistance,

WHEREAS, SANBAG has reviewed the amended claim and finds the claim conforms to the State laws and regulations; and

- (a) The claimant's proposed expenditures are in conformance with the Regional Transportation Plan.
- (b) The claimant's level of passenger fares and charges are sufficient to enable the operator or transit service to meet the fare revenue requirement that is applicable to the claimant.
- (c) The claimant is making full use of federal funds available under the Transportation Equity Act for the 21st Century, as amended.
- (d) The sum of the claimant's allocations from the State Transit Assistance Funds and from the Local Transportation Funds does not exceed the amount the claimant is eligible to receive during the fiscal year.
- (e) Priority consideration has been given to claims to offset reduction in federal operating assistance and unanticipated increases in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, county-wide, or area-wide public transportation needs.
- (f) The operator has made reasonable effort to implement productivity improvements recommended pursuant to Public Utilities Code 99244.
- (g) The operator is in compliance with the eligibility standards pursuant to Public Utilities Code Section 99314.6.

NOW, THEREFORE BE IT RESOLVED that SANBAG hereby approves the allocation shown on the attached Allocation Instruction Summary.

BE IT FURTHER RESOLVED that the Executive Director of SANBAG is hereby authorized to transmit allocation instructions to the County Auditor/Controller.

Approved by the Board of Directors of the San Bernardino County Transportation Commission at a regular meeting thereof held this 2nd day of February 2005.

Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

R05012-vlb.doc

FY 2004-2005 State Transit Assistance

Allocation Instruction

Allocation #	Amount	Purpose	PUC Section	Amount
05-09-OMN-B	\$ 746,701	Capital	99313	\$ 711,689
			99314	\$ 35,012
Total	\$ 746,701			
		Capital Projects:		
		Facilities: EV Restructure Project		\$ 680,996
		Chino Transcenter		\$ 51,513
		Support Vehicles: 6 Service/relief Vehicles		\$ 14,192

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 15

Date: February 2, 2005

Subject: SANBAG Appointment(s) to the Southern California Regional Rail Authority

Recommendation:* The Commuter Rail Committee recommends the appointment of Mayor Judith Valles as the delegate and Supervisor Paul Biane as alternate to the Southern California Regional Rail Authority (SCRRA).

Background: The Rancho Cucamonga City Council has replaced Mayor Bill Alexander with the appointment of Mayor Pro Tem Diane Williams to the SANBAG Board. That action also removes Mayor Alexander as the SANBAG delegate to SCRRA. Therefore, the SANBAG Board will need to appoint another delegate to SCRRA in February.

While the appointment of delegate is an open one, traditionally, as a SANBAG delegate leaves that position it has been customary for one of the current SCRRA alternates to be appointed to fill that vacancy. Mayor Judith Valles and Council Member Kelly Chastain currently serve as SCRRA alternates. Should the Committee recommend that either of the current alternates ascend to the delegate position, a vacancy would be created for the alternate position.

The Commuter Rail Committee recommends the appointment of Mayor Judith Valles as the delegate and Supervisor Paul Biane as alternate to the Southern California Regional Rail Authority (SCRRA).

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Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Board Agenda Item
February 2, 2005
Page 2

Financial Impact: This item has no impact on the SANBAG Budget.

Reviewed By: The Commuter Rail Committee reviewed this item and unanimously recommended these appointments on January 12, 2005.

Responsible Staff: Michael Bair, Director of Transit and Rail Programs

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 16

Date: February 2, 2005

Subject: Amendment No. 3 to SANBAG Contract 93-049 with the Redevelopment Agency of the City of Rialto

Recommendation:* Approve Amendment No. 3 to Contract 93-049 with the Redevelopment Agency of the City of Rialto for funding the preparation of a Project Report and Environmental Document for the expansion of the Rialto Metrolink Station parking in the amount of \$150,000 as identified in the Financial Impact Section.

Background: In February 1993 SANBAG and the Redevelopment Agency (RDA) of the City of Rialto entered into a cooperative agreement (SANBAG Contract 93-049) that specified the roles and responsibilities for the construction and maintenance of the Rialto Metrolink Station.

In March 1994 the SANBAG Board approved Amendment No. 1 to the cooperative agreement to address the purchase of additional land required for the expansion of the Rialto Metrolink Station parking.

In July 1994 the SANBAG Board approved Amendment No. 2 to the cooperative agreement to fund an additional year of security in recognition of the financial contribution the City of Rialto made as part of the parking expansion project and the construction of a replica of the railroad depot that once occupied the station property.

*

Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

In August 2003 the SANBAG Board approved a further parking expansion project (Phase II) to be funded with \$1,948,000 in Congestion Mitigation Air Quality funds and \$252,000 from Valley Local Transportation Funds - Rail. The schedule for the Phase II project was to begin this year. The City of Rialto is designated as the lead for the project and has requested financial assistance from SANBAG to consider three alternative locations for the expansion of parking at the station. SANBAG staff is agreeable to the City's request and has prepared a third amendment to the cooperative agreement (attached as Contract 93-049-3).

Under the agreement amendment, SANBAG will contribute \$150,000 to the RDA of the City of Rialto for the preparation of a Project Report and Environment Document for the Rialto Metrolink Station Phase II parking expansion project. The alternative sites to be considered in the Project Report are: 1) the property immediate north of the existing eastern parking area, 2) the property immediately west of the existing western parking area, and 3) the vacant property immediately south of the railroad tracks between Riverside and Willow Avenues. The completion of the Project Report and Environmental Document will result in the selection of a preferred site for the expansion and will meet the project development requirements necessary to move into the project design and construction phases. The amendment requires that a Final Project Report and Environmental Document be completed by February 1, 2006.

Financial Impact: This Contract Amendment is not consistent with the SANBAG Budget. Funding for this Contract Amendment will be provided by reducing Task 0535220 – Commuter Rail Operating Expenses by \$150,000 for a new total of \$6,778,514 and transferring those revenues to Task 0535230 Commuter Rail Capital Expenses for a new total of \$3,382,103. The funding source is Local Transportation Funds – Rail.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Commuter Rail Committee on January 12, 2005.

Responsible Staff: Michael Bair, Director of Transit and Rail Programs

SANBAG Contract No. 93-049-3

by and between

San Bernardino Associated Governments

and

The Redevelopment Agency of the City of Rialto

for

The Preparation of the Rialto Metrolink Station Parking Expansion Project Report and Environmental Document

FOR ACCOUNTING PURPOSES ONLY			
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment
Notes:			
Original Contract: \$1,576,360.00	Previous Amendments Total: \$ 554,100.00		
	Previous Amendments Contingency Total: \$ _____		
Contingency Amount: \$ _____	Current Amendment: \$150,000.00		
	Current Amendment Contingency: \$ _____		
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ 2,280,460.00
Please include funding allocation for the original contract or the amendment ↗			
Task	Cost Code	Funding Sources	Amounts
1 0535230	5011	1 LTF - Rail	\$ 150,000.00
Original Board Approved Contract Date: <u>2/3/93</u> Contract Start: <u>2/16/93</u> Contract End: <u>Open</u>			
New Amend. Approval (Board) Date: <u>2/2/05</u> Amend. Start: <u>2/2/05</u> Amend. End: <u>2/1/06</u>			
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: 2005 \$ 150,000.00	Fiscal Year: _____ \$ _____	Fiscal Year: _____ \$ _____	
Is this consistent with the adopted budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If no, has the budget amendment been submitted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input checked="" type="checkbox"/> Intergovernmental	<input type="checkbox"/> Private	<input type="checkbox"/> Non-Local	<input type="checkbox"/> Local <input type="checkbox"/> Partly Local
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Michael Bair		Contract Manager: Michael Bair	

Michael Bair 1-6-05
Task Manager Signature Date

Michael Bair 1-6-05
Contract Manager Signature Date

S. V. C.
Chief Financial Officer Signature Date

SANBAG Contract 93-049-3

San Bernardino Associated Governments

and

The Redevelopment Agency of the City of Rialto

THIS CONTRACT AMENDMENT (#3) to SANBAG Contract 93-049-3, is entered into as of February 2, 2005, in the State of California by and between the San Bernardino Associated Governments, hereafter called SANBAG, and the Redevelopment Agency of the City of Rialto, hereafter called AGENCY, collectively known as the PARTIES.

IT IS HEREBY AGREED AS FOLLOWS:

WHEREAS, in February 1993 the PARTIES entered into a Cooperative Agreement (SANBAG Contract 93-049) outlining the roles and responsibilities for the construction and maintenance of the Rialto Metrolink Station; and

WHEREAS, in March 1994 the PARTIES approved Amendment Number 1 to the Cooperative Agreement to include funding for the purchase of additional land for the expansion of parking at the Rialto Metrolink Station and the construction of the historic station replica; and

WHEREAS, in July 1994 the PARTIES approved Amendment Number 2 to the Cooperative Agreement to fund an additional year of security in recognition of the financial contribution the City made as part of the parking expansion and replica station construction; and

WHEREAS, the PARTIES desire to further expand the parking for the Rialto Metrolink Station; and

WHEREAS, in August 2003 the SANBAG Board of Directors approved a parking expansion project funding in the amount of \$2,200,000 (\$1,948,000 from Congestion Mitigation Air Quality and \$252,000 from Valley Local Transportation Funds); and

NOW THEREFORE, the PARTIES agree to the following:

1. DEVELOPMENT OF PROJECT REPORT AND ENVIRONMENTAL DOCUMENT.

A. AGENCY shall be the lead agency for causing the preparation of the Rialto Metrolink Station Parking Expansion Project Report and

Environmental Document consistent with the Preparation Guidelines for Project Report (Appendix K of the Project Development Procedures Manual) published by the California Department of Transportation (Caltrans). AGENCY shall coordinate all project development activity with SANBAG and Caltrans.

- B. AGENCY shall develop and issue a Request for Qualifications to firms capable of preparing the Rialto Metrolink Station Parking Expansion Project Report and Environmental Document. AGENCY and SANBAG mutually shall agree upon the selection of the firm or firms to conduct the work.
- C. Three alternative sites are to be considered in the preparation of the Project Report and Environmental Document. One alternative shall include San Bernardino County Assessor Parcels 130-271-01, 130-271-02, 130-271-03, 130-271-04, 130-271-25, 130-271-26, 130-271-27, 130-281-35 and 130-281-36. A second alternative shall include County Assessor Parcel 130-222-26. The third alternative shall include Assessor Parcels 131-021-33 and 131-021-40.
- D. Upon completion of the Draft Project Report and Environmental Document, AGENCY shall either recommend that a public hearing be offered or schedule and conduct a public hearing to present the alternatives considered the preferred alternative and environmental impacts.
- E. The Final Project Report and Environmental Document shall include a description of any changes resulting from the circulation of the environmental document and if held, the public hearing. The Final Report and Environmental Document shall describe the engineering, environmental and planning rationale for the Preferred Alternative.

2. COMPENSATION FOR PREPARATION OF PROJECT REPORT AND ENVIRONMENTAL DOCUMENT

- A. SANBAG shall reimburse AGENCY for the cost of the preparation of the Rialto Metrolink Station Parking Expansion Project Report and Environmental Document. The total compensation to AGENCY by SANBAG shall not exceed One Hundred and Fifty Thousand Dollars (\$150,000).
- B. AGENCY shall invoice SANBAG not more frequently than monthly for the cost of the preparation of the Project Report and Environmental Document. AGENCY shall include support material for each invoice, including a copy of consultant's invoice and a status report of the work, including work completed, any delays incurred and reasons for such

delays, and any other information that SANBAG requires for approval or that is necessary for SANBAG's cooperation.

- C. SANBAG shall pay AGENCY invoices within thirty (30) days of receipt up to an amount not to exceed One Hundred and Fifty Thousand (\$150,000).
- D. AGENCY shall notify SANBAG at least forty-five (45) days in advance of any additional expense that will be required to complete the Project Report and Environment Document. Such notice must provide adequate justification for the additional expense and SANBAG must concur with both the need and cost prior to AGENCY authorizing additional expense. Should the cost for preparation of the Project Report and Environmental Document exceed the above SANBAG compensation amount, AGENCY shall share equally with SANBAG any additional amount needed. An amendment to this Contract shall be required in order to increase the SANBAG compensation amount.

3. TERM FOR COMPLETION OF PROJECT REPORT AND ENVIRONMENTAL DOCUMENT

AGENCY shall complete the Rialto Metrolink Station Parking Expansion Project Report and Environmental Document by no later than February 1, 2006. In the event of failure to perform the work specified in this Contract Amendment (#3), SANBAG may rescind its compensation commitment by written notice to AGENCY. AGENCY shall not be reimbursed for any work or expenses beyond the rescission date and SANBAG shall incur no penalty for exercising its rights. The Executive Director shall have the authority in his sole discretion to give notice of rescission on behalf of SANBAG.

4. INSURANCE

AGENCY shall require the selected firm or firms to secure and maintain General Liability Insurance and Workers Compensation Insurance at levels specified by AGENCY or the State of California. AGENCY shall require the selected firm to provide certificates of insurance meeting the above requirements, which certificates shall name AGENCY and SANBAG as additionally insured.

5. INDEMNITY

Section 11.07 of SANBAG Contract 93-049 is replaced by the following:

- A. AGENCY agrees to indemnify, defend (with counsel approved by SANBAG) and hold harmless SANBAG and its officers, employees, agents and volunteers from any and all claims, actions, losses, damages,

and/or liability (including, without limitation, attorneys' and experts' reasonable fees and costs) resulting from AGENCY's negligent acts or omissions which arise from AGENCY's performance of its obligations under this Contract.

- B. SANBAG agrees to indemnify, defend (with counsel approved by AGENCY) and hold harmless AGENCY and its officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability (including, without limitation, attorneys' and experts' reasonable fees and costs) resulting from SANBAG's negligent acts or omissions which arise from SANBAG's performance of its obligations under this Contract.
- C. In the event, SANBAG and/or AGENCY is found to be comparatively at fault for any claim, action, loss or damage which results from their respective obligations under this Contract, SANBAG and/or AGENCY shall indemnify the other to the extent of its comparative fault.
- D. AGENCY shall include SANBAG as an indemnified party by the selected firm or firms for any and all claims, actions, losses, damages, and/or liability resulting from the selected firm's or firms' acts or omissions which arise from the selected firm's or firms' obligations to perform the work.

6. NOTICES

Section 10.01 of SANBAG Contract 93-049 is replaced by the following:

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid first-class mail. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party shall be addressed to the other party at the address set forth below.

AGENCY's address: Redevelopment Agency of the City of Rialto
131 South Riverside Avenue
Rialto, CA 92376
Attention: Executive Director

SANBAG's address: San Bernardino Associated Governments
1170 W. 3rd Street, Second Floor
San Bernardino, CA 92410-1715
Attention: Executive Director

Notice shall be deemed communicated two (2) SANBAG working days from the time of mailing as provided in this paragraph. Either party may change its mailing address for the purposes of this paragraph by giving written notice of such change to the other party.

7. JURY TRAIL WAIVER

AGENCY and SANBAG hereby waive their respective right to trial by jury of any cause of action, claim, counterclaim or cross-complaint in any action, proceeding and/or hearing brought by either AGENCY against SANBAG or SANBAG against AGENCY on any matter whatsoever arising out of, or in any way connected with this Contract, the relationship of SANBAG and AGENCY, or any claim of injury or damage, or enforcement of any remedy under any law, statute, or regulation, emergency or otherwise, now or hereafter in effect.

8. ATTORNEY'S FEES AND COST

Section 11.08 of SANBAG Contract 93-049 is replaced by the following:

If any legal action is instituted to enforce or declare any party's rights hereunder, each party, including the prevailing party, must bear its own cost and attorney's fees. This paragraph shall not apply to those costs and attorney's fees directly arising from any third party legal action against a party and payable under Paragraph 5, Indemnity.

9. CONTINUATION OF SANBAG CONTRACT 93-049 PROVISIONS

All other provisions of SANBAG Contract 93-049, as previously amended, shall remain in full force and effect.

10. AUTHORIZED SIGNATORY

Each party to this Contract Amendment represents that the signatory executing this Contract Amendment on its behalf is fully authorized to enter into this Contract.

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

Paul Biane
President

Approved as to Legal Form:

By: _____
Jean-Rene Basle
SANBAG Counsel

**REDEVELOPMENT
AGENCY OF THE CITY OF
RIALTO**

Grace Vargas
Mayor

Attest:

By: _____
Barbara A. McGee
City Clerk

Approved as to Form:

By: _____
City Attorney

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 17

Date: February 2, 2005

Subject: Exercise First Option of Contract 04-001 with Schiermeyer Consulting Services

Recommendation:* Approve the exercise of the first contract extension option (Contract 04-001-1) with Schiermeyer Consulting Services for passenger rail planning services in the amount of \$190,295 as specified in the Financial Impact Section.

Background: On April 3, 2003, the SANBAG Board approved Contract 04-001 with Schiermeyer Consulting Services (SCS) for passenger rail planning services in the amount of \$183,650. Contract 04-001 covered two fiscal years (2003/2004 and 2004/2005) and will, unless extended, terminate on June 30, 2005. The Contract contains an option for two (2) two-year extensions.

Staff is recommending the exercising of the first two-year option (attached as Contract 04-001-1). Contract 04-001-1 provides for a 3% increase in the hourly rates for each of the two years and a modest increase in the amount paid to the firm for direct expenses.

SCS has provided passenger rail planning services to SANBAG since 1989. Over that period, SCS has provided advice to SANBAG in the areas of commuter rail operations, marketing and capital planning, intercity passenger rail services, proposals for high-speed passenger rail service through the Inland Empire and special charter trains to the major California Speedway events.

*

Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Listed below is a summary of the support activities SCS has provided SANBAG this past year.

1. SCS has provided support to SANBAG in its participation with the Southern California Regional Rail Authority (SCRRA). The support includes attending and participating in the SCRRA Technical Advisory Committee composed of the staff from each of the five member agencies. Attending monthly SCRRA Board Policy Committee meetings. Attending monthly SCRRA Board member briefings and Board meetings. SCS often represents the interest of SANBAG when staff is unable to attend. SCS also provides support to the SANBAG Commuter Rail Committee which meets every other month and provides the monthly Commuter Rail Report that appears in the SANBAG Board agenda.
2. SCS is frequently consulted on issues related to the national and state supported intercity passenger rail service operated by Amtrak. SCS is considered one of a few consulting firms with extensive knowledge of intercity passenger rail operations.
3. SCS has assisted in the development of special charter train schedules for the major racing events at the California Speedway and coordinates the marketing and train ticket sales with the Speedway. SCS also works closely with SCRRA and SANBAG staff in the development of the special train operations plan.
4. SCS is currently updating the SANBAG commuter rail short range transit plan. The plan will provide information on service and capital improvements proposed for Fiscal Years 2005/2006 through 2008/2009.

The proposed contract extension provides for a continuation of the above professional services for the next two fiscal years. Compensation for the first extension year will not exceed \$91,155 in personnel expenses and \$2,600 in direct expenses for a total compensation of \$93,755. Compensation for the second extension year will not exceed \$93,890 in personnel expenses and \$2,650 in direct expenses for a total compensation of \$96,540.

Financial Impact: Funding for the first year of the contract extension will be included in the proposed Fiscal Year 2005/2006 SANBAG budget under task 0635205. Funding source will be Local Transportation Funds – Planning. Funding for the second

year will be contingent upon funding approved as part of the Fiscal Year 2006/2007 SANBAG budget.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Commuter Rail Committee on January 12, 2005.

Responsible Staff: Michael Bair, Director of Transit and Rail Programs.

SANBAG Contract No. 04-001-1

by and between

San Bernardino Associated Governments

and

Schiermeyer Consulting Services

for

provision of professional services related to passenger rail service

FOR ACCOUNTING PURPOSES ONLY			
<input checked="" type="checkbox"/> Payable	Vendor Contract # _____	Retention:	<input type="checkbox"/> Original
<input type="checkbox"/> Receivable		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Amendment
Notes:			
Original Contract:	\$ <u>183,650.00</u>	Previous Amendments Total:	\$ _____
Contingency Amount:	\$ _____	Current Amendment:	\$ <u>190,295.00</u>
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ <u>373,945.00</u>
Please include funding allocation for the original contract or the amendment ↴			
Task	Cost Code	Funding Sources	Amounts
1 <u>0635205</u>	<u>5553</u>	1 <u>LTF - Planning</u>	\$ <u>93,755.00</u>
2 <u>0735205</u>	<u>5553</u>	2 <u>LTF - Planning</u>	\$ <u>96,540.00</u>
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____
Original Board Approved Contract Date: <u>4/02/03</u> Contract Start: <u>7/1/03</u> Contract End: <u>6/30/05</u>			
New Amend. Approval (Board) Date: <u>2/02/05</u> Amend. Start: <u>7/01/05</u> Amend. End: <u>6/30/07</u>			
If this is a multi-year contract/amendment, please allocate costs among fiscal years:			
Fiscal Year: <u>2006</u>	Fiscal Year: <u>2007</u>	Fiscal Year: _____	
\$ <u>93,755.00</u>	\$ <u>96,540.00</u>	\$ _____	
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No			
CONTRACT MANAGEMENT			
Please mark an "X" next to all that apply:			
<input type="checkbox"/> Intergovernmental	<input checked="" type="checkbox"/> Private	<input checked="" type="checkbox"/> Non-Local	<input type="checkbox"/> Local <input type="checkbox"/> Partly Local
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%			
Task Manager: Michael Bair		Contract Manager: Michael Bair	

Michael Bair 1-6-05
Task Manager Signature Date

Michael Bair 1-6-05
Contract Manager Signature Date

[Signature]
Chief Financial Officer Signature Date

CONTRACT NO. 04-001-1

SAN BERNARDINO ASSOCIATED GOVERNMENTS

and

SCHIERMEYER CONSULTING SERVICES

THIS CONTRACT AMENDMENT is entered into this 2nd day of February, 2005 in the State of California by and between the San Bernardino Associated Governments, hereafter called "AGENCY", and Schiermeyer Consulting Services (SCS), hereafter called "CONTRACTOR".

IT IS HEREBY AGREED AS FOLLOWS:

WHEREAS, the AGENCY requires certain professional services relating to its commuter rail program and intercity passenger rail planning efforts; and

WHEREAS, CONTRACTOR has skills, knowledge, and the ability to provide such services to the AGENCY; and

WHEREAS, the original Contract 04-001 contains a provision to extend the Contract for an additional two (2) years; and

WHEREAS, both parties to the Contract desire to execute such an extension;

NOW THEREFORE, the parties agree to the following terms and conditions:

1. **CONTRACTOR SERVICES**

The CONTRACTOR will be responsible for supporting SANBAG's commuter rail program and intercity passenger rail planning efforts. The CONTRACTOR will also be responsible for the following activities:

- A. Providing assistance in evaluating commuter rail operating and capital subsidy calculations as they relate to AGENCY.
- B. Providing assistance in developing recommended priorities for commuter rail operating (including ridership and revenue estimates) and capital projects.
- C. Providing assistance in developing commuter rail capital project applications.
- D. Providing assistance in reviewing the State of California and Amtrak planning of intercity passenger rail services.

- E. Providing technical support to the SANBAG Commuter Rail Committee.
- F. Representing the interest of AGENCY in the absence of AGENCY personnel in commuter rail and intercity passenger rail technical and planning meetings.
- G. Providing technical support as identified by AGENCY in the area of commuter rail, intercity passenger rail and special trains (such as the California Speedway trains).

2. **TERM**

This CONTRACT AMENDMENT will commence on July 1, 2005 and remain in effect until June 30, 2007 (Fiscal Years 2005-2006 and 2006-2007). It may be extended at that point by a written amendment approved by the parties for an additional two years. No more than one such extensions shall be granted. AGENCY or CONTRACTOR may terminate this CONTRACT at any time by serving thirty (30) days written notice to this effect on the other party. Additionally, in the event of misconduct or failure to perform required services, AGENCY may immediately terminate this CONTRACT by written notice to CONTRACTOR. CONTRACTOR shall not be reimbursed for any services or expenses beyond the termination date of the CONTRACT and SANBAG shall incur no penalty for exercising its termination rights. The Executive Director shall have the authority in his sole discretion to give notice of termination on behalf of the AGENCY.

3. **COMPENSATION**

As compensation for the above services during Fiscal Year 2005-2006, AGENCY shall pay CONTRACTOR an amount not to exceed \$93,755.00 of which no more than \$91,155.00 and \$2,600.00 shall be for personnel and direct expenses respectively. Compensation for Fiscal Year 2006-2007 shall not exceed \$96,540.00 (\$93,890.00 and \$2,650.00 respectively for personnel and direct expenses). The total CONTRACT value for the two fiscal years shall not exceed \$190,295.00. Compensation and expenses during optional extension periods shall be mutually agreed upon and incorporated by amendment to this CONTRACT.

- A. CONTRACTOR shall account for time spent and invoice AGENCY on a monthly basis. Monthly invoices shall contain both expenditures incurred during the month as well as year to date total by cost category (salaries and itemized direct charges). Each monthly invoice shall be accompanied by a narrative description of work performed.
- B. CONTRACTOR shall be paid at the personnel hourly rates (which include overhead rates) indicated in Exhibit A and shall not exceed \$91,155.00 during Fiscal Year 2005-2006 and \$93,890 during Fiscal Year 2006-2007.
- C. CONTRACTOR shall receive reimbursement in an amount not to exceed \$2,600.00 during Fiscal Year 2005-2006 and \$2,650.00 during Fiscal Year 2006-2007 for direct expenses including travel reimbursement and telephone expenses.

- D. Both parties shall mutually agree upon any subsequent adjustment to CONTRACTOR personnel hourly rates as well as the cap on direct expenses.

4. INSURANCE

CONTRACTOR shall maintain during the term of this CONTRACT the following insurance coverages:

- A. Comprehensive General Liability Insurance or Commercial General Liability Insurance, including coverage for Premises, Contractual Liability, Personal Injury Liability, Broad-From Property Damage and Independent Contractor's Liability, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and \$2,000,000 aggregate written on occurrence form.
- B. Comprehensive Automobile Liability Coverage, including owned, non-owned and hired automobiles, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and in an aggregate written on an occurrence form.
- C. CONTRACTOR (not including subconsultants) shall immediately furnish certificates of insurance to AGENCY evidencing the insurance coverage above required, which certificate shall name AGENCY as additionally insured on all policies of liability insurance. The certificates shall provide that such insurance shall not be terminated without thirty (30) days written notice to AGENCY, and CONTRACTOR shall maintain such insurance from the time this CONTRACT is executed until the completion of such services.
- D. CONTRACTOR shall maintain Worker's Compensation Insurance with limits established and required by the State of California.

5. INDEMNITY

CONTRACTOR agrees to defend, indemnify and hold harmless the AGENCY, its officers, agents and employees from any claims, suits, liabilities, penalties, fines or damages resulting from any acts or omissions of CONTRACTOR arising from or which are alleged to arise from its performance of this CONTRACT.

6. INDEPENDENT CONTRACTOR

CONTRACTOR is and shall be at all times an independent CONTRACTOR. Accordingly, all services provided by CONTRACTOR shall be done and performed by CONTRACTOR under the sole supervision, direction, and control of CONTRACTOR. AGENCY shall rely on CONTRACTOR for results only and shall have not right at any time to direct or supervise CONTRACTOR or CONTRACTOR's employees in the performance of services or as to the manner, means and methods by which services are performed. All workers furnished by CONTRACTOR pursuant to this CONTRACT, and

all representatives of CONTRACTOR shall be and remain employees of CONTRACTOR or of CONTRACTOR's subconsultant(s) at all times, and shall not at any time or for any purpose whatsoever be considered employees or agents of AGENCY.

7. **AGENCY AUTHORITY**

AGENCY's Executive Director shall have full authority to exercise AGENCY's rights under this CONTRACT. CONTRACTOR's reporting relationship shall be with the AGENCY's Director of Transit and Rail Programs, unless otherwise directed by AGENCY's Executive Director.

IN WITNESS THEREOF, the authorized parties have signed below.


**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

**SCHIERMEYER CONSULTING
SERVICES**

Paul Biane
President

Carl Schiermeyer
President

Approved as to From:



Jean-Rene Basle
SANBAG Counsel

Date: 1/5/65

Exhibit A

Amendment No. 1 to Contract 04-001-1

Schiermeyer Consulting Services Contract

Fiscal Year 2005/2006

Hourly Rates (including overhead and profit):

Carl Schiermeyer, Principal	\$106.87
Associate	\$ 61.80

Fiscal Year 2006/2007

Hourly Rates (including overhead and profit):

Carl Schiermeyer, Principal	\$110.08
Associate	\$ 63.65

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 18

Date: February 2, 2005

Subject: Removal of Rail from One-Mile Segment of the Redlands Subdivision

Recommendation:* Approve Amendment No. 1 to the Right of Entry Permit No. 05-022 for the removal of track, ties, and road crossing protection devices between MP 10.12 and 11.4 of the Redlands Subdivision with A & K Railroad Materials, Inc., extending the time of performance to March 31, 2005. There is no financial impact as identified in the Financial Impact Section.

Background: On October 6, 2004, the SANBAG Board approved a Right of Entry Permit (SANBAG Contract 05-022-1) with A & K Railroad Material, Inc. (A&K) for the removal of track, ties and road crossing protection devices between MP 10.12 and 11.4 in the City of Redlands. The work to be performed is being funded jointly with the City of Redlands and SANBAG. Under a separate agreement with the City of Redlands, the City will contribute \$18,500 toward the \$36,750 project.

Section 6 of Agreement 05-022 authorized 114 days for A&K to complete the work, or January 21, 2005. A&K has requested an extension to March 31, 2005 as the crew they were to use is still trying to complete a project in northern California. That project has been delayed due to the weather. A & K has pulled permits with the City of Redlands and will perform the work as soon as they can complete the work up north.

*

Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

The attached letter will amend Section 6 of Contract 05-022 to extend the time of performance by another 59 days to March 31, 2005. The letter amendment also provides that the Executive Director has the authority to administer this contract on behalf of SANBAG so that should a further extension of time be needed, it can be handled administratively.

Financial Impact: This amendment only extends the time of performance and does not change the financial terms of the original contract. This item is consistent with the adopted SANBAG Budget. Funding is provided under Task 0535220 – Commuter Rail Operating Expenses. The funding sources are LTF-Rail and the City of Redlands.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Commuter Rail Committee on January 12, 2005.

Responsible Staff: Michael Bair, Director of Transit and Rail Programs

SANBAG Contract No. 05-022-1

by and between

San Bernardino Associated Governments

and

A & K Railroad Materials, Inc

for

Removal of Rail from approximately 1.3-Mile Segment of the Redlands Subdivision

FOR ACCOUNTING PURPOSES ONLY			
<input checked="" type="checkbox"/> Payable	Vendor Contract # <u>AKRAIL</u>	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment
<input type="checkbox"/> Receivable			
Notes: Extends Time of Performance to March 31, 2005.			
Original Contract:	\$ <u>36,750.00</u>	Previous Amendments Total:	\$ <u>0</u>
Contingency Amount:	\$ <u>0</u>	Current Amendment:	\$ <u>0</u>
Contingency Amount requires specific authorization by Task Manager prior to release.			
Contract TOTAL →			\$ <u>36,750.00</u>
Please include funding allocation for the original contract or the amendment ↴			
Task	Cost Code	Funding Sources	Amounts
1 <u>0535220</u>	<u>5553</u>	1 <u>LTF Rail</u>	\$ <u>18,250</u>
2 _____	_____	2 <u>City of Redlands 04-032</u>	\$ <u>18,500</u>

Original Board Approved Contract Date: <u>10/06/04</u>	Contract Start: <u>10/11/04</u>	Contract End: <u>1/31/05</u>
New Amend. Approval (Board) Date: <u>2/02/05</u>	Amend. Start: <u>2/02/05</u>	Amend. End: <u>3/31/05</u>
If this is a multi-year contract/amendment, please allocate costs among fiscal years:		
Fiscal Year: <u>04/05</u> \$ <u>36,750</u>	Fiscal Year: _____ \$ _____	Fiscal Year: _____ \$ _____
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No		

CONTRACT MANAGEMENT	
Please mark an "X" next to all that apply:	
<input type="checkbox"/> Intergovernmental <input checked="" type="checkbox"/> Private <input checked="" type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local	
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____%	
Task Manager: Michael Bair	Contract Manager: Susan Van Note
<u>Michael Bair</u> <u>1-6-05</u>	<u>Michael Bair</u> <u>1-6-05</u>
Task Manager Signature Date	Contract Manager Signature Date
<u>S. O. Carter</u> _____	
Chief Financial Officer Signature Date	

A050221-mab.doc
0535220

-
- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies
-

February 2, 2005

Mr. Jim Okroy
Vice President Operations
A & K Railroad Materials, Inc.
Salt Lake City, UT 84130

Re: Extension of Time of Performance for Right of Entry Permit 05-022-1

Dear Mr. Okroy:

Pursuant to your request, the San Bernardino Associated Governments (SANBAG) has prepared the following amendment to Section 6 of the Right of Entry Agreement (SANBAG Contract 05-022):

6. Permission to enter Property is granted for a period of 173 days commencing October 11, 2004 and ending no later than March 31, 2005 unless extending by written agreement of the parties. The Executive Director has the authority to administer this contract on behalf of SANBAG.

Should you have any questions or concerns, please contact Michael Bair, Director of Transit and Rail Programs at (909) 884-8276.

Please concur to the above amendment by signing this letter in the appropriate space.

Sincerely,

Supervisor Paul Biane
SANBAG President

Jim Okroy
A&K Vice President Operations

DISCUSSION ITEMS

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 19

Date: February 2, 2005

Subject: Reports from SANBAG Staff on On-Going and Emerging Issues

Recommendation: * Receive reports on current issues and provide policy guidance, if required.

Background: SANBAG staff plans to provide the SANBAG Board with short reports on issues which are evolving within the transportation arena. The reports are itemized below:

1. **Status of State Transportation Improvement Program (STIP) Funding**
Ty Schuling, Director of Planning and Programming
2. **Efforts to Restore and Protect Proposition 42 Funding**
Kris Murray Leathers, Director of Intergovernmental and Legislative Affairs
3. **Development Mitigation Fee Program Status**
Ty Schuling, Director of Planning and Programming
4. **Goods Movement Planning in the Five County Region**
Norm King, Executive Director

Approved
San Bernardino Associated Governments
Board of Directors

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

Financial Impact: This is an information item. Although the topics discussed will have significant financial impact upon the SANBAG budget and transportation in general, this item contains no financial impact.

Reviewed By: This item has not been reviewed by SANBAG policy committees.

Responsible Staff: Norm King
Executive Director

AGENCY REPORTS

-
- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies
-

FEBRUARY SANBAG COMMUTER RAIL REPORT

1. PATRONAGE

San Bernardino Line:

Ridership on the San Bernardino Line dropped 8% from November but was up slightly in a year-to-year comparison. So far, January patronage is back up a bit, currently at 10,911 passenger trips per weekday.

Saturday ridership was also down 8% from November and dropped 6% compared to the same month a year ago. January data-to-date shows ridership slower yet with a current average just below 2,000 passenger trips per Saturday.

Sunday ridership was down (2%) from last month but up almost 14% from December 2003. As of mid-January, average Sunday ridership is down 5% from December with a current average of 1,383 passenger trips per Sunday.

Riverside-Ontario-Los Angeles Line:

Ridership on the Riverside Line dropped 10% from record high set last month but was up 2% compared to the same month a year ago. At this point, January patronage is back up with a current average of 4,748 passenger trips per weekday.

Inland Empire Orange County (IEOC)

December average daily ridership on the IEOC Line decreased almost 13% compared to November. So far, January ridership is quite a bit stronger than December with a current average of 3,623 passenger trips per weekday.

Total System:

After two consecutive months of systemwide record setting ridership, December average daily ridership was 10% lower than the November record. Patronage was higher, however, in a year-to-year comparison. A preview look at January ridership points to a strong month, with a current average above 38,000 passenger trips per weekday.

<u>Table 1</u>				
Average Weekday Daily Ridership*				
	<u>San Bernardino</u>	<u>Riverside</u>	<u>IEOC</u>	<u>Systemwide</u>
Dec. 2004	10,062	4,417	3,180	34,745
Dec. 2003	9,983	4,321	3,467	33,727
% Change	+ 0.8%	+ 2.2%	- 8.3%	+ 3.0%
*Adjusted for Holidays				

<u>Table 2</u>		
Average Weekend Ridership		
	<u>San Bernardino</u> <u>Saturday</u>	<u>San Bernardino</u> <u>Sunday</u>
November 2004	2,398	1,464
November 2003	2,551	1,288
% Change	- 6.0%	+ 13.7%

2. **ON-TIME PERFORMANCE (arrival within 5 minutes of scheduled time)**

San Bernardino Line:

On-time performance results for the San Bernardino Line were mixed this month compared to last month. Outbound trains gained two percentage points to finish 97% on time while inbound trains dropped a point, from 96% on time in November to 95% on time in December. A wide variety of causes accounted for the 34 reported delays with seven due to slow orders/MOW and another six due to vandalism.

Riverside-Ontario-Los Angeles Line:

On-time performance results were also mixed for the Riverside Line this month. Outbound trains showed improved performance from 83% on time in November to 87% on time in December. Inbound trains, however, dropped two points to finish December 87% on time. Dispatching caused thirteen of the thirty-four reported delays.

Inland Empire-Orange County (IEOC) Line:

On-time performance results for the IEOC Line improved compared to last month. Southbound trains gained one percentage point and northbound trains gained three points to finish December 93% and 94% on time, respectively. Of the seventeen reported delays, seven were caused by dispatching and another six were due to signals/detectors.

Table 3

On-Time Performance
Percent of weekday trains arriving within 5 min. of scheduled time
(December 2004 vs. December 2003)

	<u>San Bernardino</u>		<u>Riverside</u>		<u>IEOC</u>	
	In	Out	In	Out	So.	No.
December 2004	95%	97%	87%	87%	93%	94%
December 2003	98%	99%	98%	93%	95%	96%

3. CALIFORNIA SPEEDWAY

The NASCAR race event is coming up on Sunday, February 27th. As in the past, SANBAG will again be sponsoring charter trains running to/from the race event. As of mid-January, 1,600 tickets have been sold.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

January 12, 2005

Members of the Governing Board:

Chairman
Dr. William A. Burke
Speaker of the Assembly
Appointee

Vice Chairman
S. Roy Wilson, Ed.D.
Supervisor, Fourth District
County of Riverside

Michael D. Antonovich
Supervisor, Fifth District
County of Los Angeles

Jane W. Carney
Senate Rules Appointee

William S. Craycraft
Councilmember, Mission Viejo
Cities of Orange County

Beatrice J. S. LaPisto-Kirtley
Mayor, City of Bradbury
Cities of Los Angeles County/
Eastern Region

Ronald O. Loveridge
Mayor, Riverside
Cities of Riverside County

Gary Ovitt
Supervisor, Fourth District
County of San Bernardino

Jan Perry
Councilmember, 9th District
Cities Representative
Los Angeles County/Western Region

James W. Silva
Supervisor, Second District
County of Orange

Cynthia Verdugo-Peralta
Governor's Appointee

Dennis R. Yates
Mayor, Chino
Cities of San Bernardino County

To: Mayors and Councilmembers

From: Dennis R. Yates, Mayor/City of Chino
Cities of San Bernardino County
Board Member, South Coast AQMD

Attached are the agenda items and the voting outcome of the January 7, 2005 AQMD Governing Board meeting.

PUBLIC HEARING ITEMS APPROVED AT JANUARY 7, 2005 BOARD MEETING

Adopt Rule 1157 – PM10 Emission Reductions from Aggregate and Related Operations (Continued from December 3, 2004 Board meeting)

Proposed Rule 1157 is developed to reduce PM10 emissions from aggregate and related operations as part of 2003 AQMP Control Measure BCM-08 – Further Emission Reductions from Aggregate and Cement Manufacturing Operations. The proposed rule would reduce fugitive dust PM10 emissions from various dust sources including loading and unloading activities, process equipment, open storage piles, unpaved and paved roads inside the facilities, and track-out. (Review: Stationary Source Committee, September 24 and October 22, 2004)

Majority Votes: 9 Yes, 2 No, 1 absent

Mayor Yates voted no on this issue because there is inadequate scientific data and unreasonable restrictions during high winds when contractors begin pouring a street or slab and they cannot stop if the winds pick up.

Amend Regulation XX – REgional CLean Air Incentives Market

AQMD staff is proposing amendments to Regulation XX – RECLAIM to achieve additional NOx reductions pursuant to the 2003 AQMP Control Measure #2003CMB-10. The proposed amendments also address requirements for demonstrating Best Available Retrofit Control

Technology equivalency in accordance with California Health and Safety Code Section 40440. In addition to rule and protocol clarifications, other proposed changes include removing trading restrictions for power producing facilities, adding an alternative method of compliance demonstration for equipment with high oxygen content in the exhaust, adjusting the testing schedule for equipment operating sporadically and allowing transmission of CEMS monitoring data through AQMD website. (Review: Stationary Source Committee, June 25, July 30, August 27, September 24, October 22 and November 19, 2004)

Majority Votes: 9 Yes, 3 absent

Amend Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers

Rule 1146.2 was adopted in January 1998 to establish NOx emission limits for small boilers and large water heaters ranging from 75,000 Btu/hr to 2 million (MM) Btu/hr. Since the rule adoption, staff has prepared and submitted to the Board three implementation studies required by the rule. The proposed amendments reflect recommendations of the implementation studies and address technical feasibility issues. Specifically, the amendments remove the January 1, 2006 compliance date for retrofitting or replacing smaller units (400,000 to 1 MM Btu/hr) and delay the compliance date for larger units (1 to 2 MM Btu/hr) manufactured between 1992 and 1999 inclusive. (Review: Stationary Source Committee, November 19, 2004)

Majority Votes: 11 Yes, 1 absent

Amend Rule 1168 – Adhesive and Sealant Applications

In addition to changes for clarity and consistency, the proposed amendments reduce the VOC limit for primers used in conjunction with polyvinyl chloride and chlorinated polyvinyl chloride welding, reduce the VOC limit for acrylonitrile-butadiene-styrene cements, postpone the final limit for top and trim adhesives until January 1, 2007, and allow limited use of methylene chloride in adhesive formulations used in the solvent welding of hard acrylic, polycarbonate and polyethylene terephthalate glycol plastics. (Review: Stationary Source Committee, October 22 and November 19, 2004)

Majority Votes: 11 Yes, 1 absent

PUBLIC HEARINGS SET FOR FEBRUARY 4, 2005 BOARD MEETING.

Receive Public Input on Executive Officer's Priority Goals/Objectives for FY 2005-06

A set of priority goals for the FY 2005-06 Budget has been developed. The Executive Officer wishes to receive public and Board Member input on these priority goals as they serve as the foundation of AQMD's Work Program.

Also included is the January 2005 *AQMD Advisor* for your information.

COMMITTEE MEMBERSHIPS ACRONYM LISTING

SANBAG Representatives on SCAG Committees

1 of 2

January 24, 2005
SANBAG Intranet

APPOINTING/ELECTING AUTHORITY	REGIONAL COUNCIL (12:00 noon)	POLICY COMMITTEES (RC Members Serve on One Each) (Subregional Appointments) (County Commissions Appoint One to TCC) (10:00 a.m.)		
		Community, Economic, and Human Development	Energy and Environment	Transportation and Communications
District 6 (Grand Terrace, Colton, Loma Linda, Redlands)	L. Garcia			L. Garcia
District 7 (San Bernardino, Highland)	S. Longville	S. Longville		
District 8 (Rialto, Fontana)	D. Robertson	D. Robertson		
District 9 (Rancho Cucamonga, Upland, Montclair)	B. Alexander	B. Alexander		
District 10 (Chino, Chino Hills, Ontario)	(Vacant-G. Ovitt)			
District 11 (Bartow, Big Bear, Needles, Twentynine Palms, Yucca Valley)	L. Dale			L. Dale
District 65 (Adelanto, Apple Valley, Hesperia, Victorville)	(Vacant-T. Burgnon)	(Vacant-T. Burgnon)		
San Bernardino County	G. Ovitt			G. Ovitt
SANBAG Subregional Appointees*		Larry McCallon Vacant (T. Burgnon)	Jon Harrison Vacant (M. Dube)	G. George M. Nuaimi

*One appointee to each policy committee for a total of three appointees per subregion, plus one additional appointee for every SCAG District over three in the subregion.
SANBAG has a total of seven appointees to the policy committees.

SCAG Committees: Appointments are made by the SCAG President.

<i>Aviation Committee</i>	<i>Four Corners</i>	<i>Goods Movement Task Force</i>	<i>Long-Term Transportation Finance</i>	<i>Maglev Task Force</i>	<i>Water Policy Task Force</i>
Mike Rothchild	G. Norton-Perry G. Ovitt	G. Norton-Perry	L. Garcia M. Nuaimi	J. Valles B. Alexander	S. Longville

SANBAG Representatives on SCAG Committees

Rules of Appointment:

1. SANBAG policy stipulates that all SANBAG appointees be SANBAG Board Members.
2. SCAG President appoints Regional Council members to Standing and Policy Committees.

Terms of Appointment:

Terms of appointment for Regional Council members representing odd numbered districts expire immediately following the SCAG General Assembly in April of odd numbered years. Terms of appointment for Regional Council members representing even numbered districts expire immediately following the SCAG General Assembly in May of even numbered years. SANBAG appointments to SCAG Policy Committees are for a term from May through the next regular SCAG general assembly of the following year.

Stipend:

Regional Council members receive a \$120 per day "fee for service" for a maximum of four meetings per month. A stipend for the fifth meeting per month may be received on approval by SCAG's Executive Director. SANBAG appointees to SCAG Policy Committees receive \$70 per day fee for service from SCAG.

Meeting Information:

SCAG Regional Council, Standing Committees, and Policy Committees meet the first Thursday of each month at the SCAG Offices located at 818 W. Seventh Street, Los Angeles:

10:00 a.m.	Policy Committees
12:00 noon	Regional Council

Policy Committees

Community, Economic, and Human Development: Provides policy recommendations to the Regional Council on subjects of housing, land use, resource, economic, and community development, infrastructure, employment, and regional disaster preparedness issues. This committee reviews and recommends to the Planning Committee revisions to the Housing, Economy, Growth Management, Human Resources, and Finance Chapters of the Regional Comprehensive Plan and Guide.

Energy and Environment: Acts as the policy advisory committee to the Regional Council on environmental issues, including air and water, hazardous, and solid waste management, natural resources conservation, and energy conservation. This committee reviews the Environmental Impact Report of the Regional Comprehensive Plan and Guide. This committee also provides recommendations to the Planning Committee on state and federal legislative proposals and administrative guidelines affecting environmental quality, resource conservation,

Transportation and Communications: Acts as the policy advisory committee to the Regional Council on all regional matters pertaining to the movement of goods and people on land, water, and air. The committee reviews and recommends to the Regional Council all major utility development plans. The committee addresses the location, size, or capacity, timing, and impact of facilities.

SANBAG Policy Committee Membership

COMMITTEE	PURPOSE	MEMBERSHIP	TERMS
Administrative Committee SANBAG President, Vice President, and Immediate Past President 3 East Valley (2 City, 1 County) 3 West Valley (2 City, 1 County) 3 Mt/Desert (2 City, 1 County) City members shall be SANBAG Board Members elected by caucus of city SANBAG Board Members within the subarea. Supervisors collectively select their representatives. The SANBAG Vice President shall serve as Chair of the Administrative Committee.	Makes recommendations to Board of Directors and: (1) Provides general policy oversight which spans the multiple program responsibilities of the organization and maintains the comprehensive organization integrity; (2) Provides policy direction with respect to administrative issues, policies, budget, finance, audit, and personnel issues for the organization; (3) Serves as policy review committee for any program area that lacks active policy committee oversight. Committee has authority to approve contracts of up to \$25,000 with Board of Directors ratification to follow.	Paul Biane, President Kelly Chastain, Colton, Vice President (Chair) Gary Ovitt, Supervisor Bill Postmus, Supervisor, Past Pres. Rick Roelle, Apple Valley Robert Christman, Loma Linda Paul Eaton, Montclair Dennis Hansberger, Supervisor James Lindley, Hesperia Bea Cortes, Grand Terrace Gwenn Norton-Perry, Chino Hills Josie Gonzales, Supervisor	6/30/2005 6/30/2005 12/31/2005 6/30/2005 12/31/2006 12/31/2005 12/31/2006 12/31/2005 12/31/2006 12/31/2006 12/31/2005 12/31/2005
Commuter Rail Committee Eight Valley-elected officials, four of who shall be the Southern California Regional Rail Authority primary (*) and alternate (**) members. The terms of appointments for SCRRRA members and alternates shall be concurrent with their term on SCRRRA. The four remaining members shall be SANBAG Board Members appointed by the SANBAG President for two-year terms.	Provides policy guidance and recommendations to the SANBAG Board of Directors and Southern California Regional Rail Authority delegates with respect to commuter rail service in San Bernardino County. * SCRRRA Primary Member ** SCRRRA Alternate Member	Pat Gilbreath, Redlands (Chair) Lee Ann Garcia, Grand Terrace (Vice Chair) (Vacant-Alexander)* Kelly Chastain, Colton** Robert Christman, Loma Linda Paul Eaton, Montclair * Paul Biane, Supervisor Judith Valles, San Bernardino**	12/31/2005 (6/30/2005) 12/31/2005 (6/30/2005) Indeterminate Indeterminate 12/31/2005 Indeterminate 12/31/2005 Indeterminate
Mountain/Desert Committee Membership consists of SANBAG Board Members from each Mountain/Desert jurisdiction and County Supervisors representing the First and Third Districts.	Provides ongoing policy level oversight related to the full array of SANBAG responsibilities as they pertain specifically to the Mountain/Desert subregion. The Committee also meets in conjunction with the Mountain/Desert Measure I Committee as it carries out responsibilities for Measure I Mountain/Desert Expenditure Plan.	Bill Postmus, Supervisor (Chair) James Lindley, Hesperia (Vice Chair) Rick Roelle, Apple Valley Paul Cook, Yucca Valley Lawrence Dale, Barstow Dennis Hansberger, Supervisor Darrell Mulvihill, Big Bear Lake Kevin Cole, Twentynine Palms Trinidad Perez, Adelanto Mike Rothschild, Victorville Rebecca Valentine, Needles	Indeterminate (6/30/2005) Indeterminate (6/30/2005) Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate Indeterminate

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CAC	Call Answering Center
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CALTRANS	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CSAC	California State Association of Counties
CTA	California Transit Association
CTAA	Community Transportation Association of America
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DMO	Data Management Office
DOT	Department of Transportation
E&H	Elderly and Handicapped
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ETC	Employee Transportation Coordinator
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICMA	International City/County Management Association
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds
MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin

MDAQMD	Mojave Desert Air Quality Management District
MIS	Major Investment Study
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
MTP	Metropolitan Transportation Plan
NAT	Needles Area Transit
OA	Obligation Authority
OCTA	Orange County Transportation Authority
OWP	Overall Work Program
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PPM	Planning, Programming and Monitoring Funds
PVEA	Petroleum Violation Escrow Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
ROD	Record of Decision
RTAC	Regional Transportation Agencies' Coalition
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SANBAG	San Bernardino Associated Governments
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SED	Socioeconomic Data
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century of 1997
TIA	Traffic Impact Analysis
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TOC	Traffic Operations Center
TOPRS	Transit Operator Performance Reporting System
TSM	Transportation Systems Management
USFWS	United States Fish and Wildlife Service
UZAs	Urbanized Areas
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996